

Mr. Davies: There would be other moneys spent by the Swan River Conservation Board and other departments.

Mr. COURT: That is true.

Mr. Brand: It's a good idea you put up about taxation on the boats.

Mr. Davies: I do not have a boat and I am not likely to own one, either.

Mr. Graham: It is long overdue.

Mr. COURT: I can assure the member for Victoria Park that the Treasurer was listening with great interest when he referred to the possibility of raising more revenue so if some tax raising legislation comes along he will have to take his share of the blame.

Mr. Jamieson: The electors of Nedlands were, too.

Mr. COURT: The member for Murchison raised the question of Great Northern Highway, and the points raised by him will be referred to the Minister for Works because, at present, this highway particularly is under very heavy use.

The other point raised by him was the question of the road maintenance tax moneys and their impact on these roads. It is fair to say that the greater impact with those moneys will be made through the Main Roads Department. The shires will have their normal money and the benefits that will accrue from it, but the added impact of the road maintenance tax moneys will come through the Main Roads Department, and the added work it will be able to do throughout the State will benefit the area the honourable member discussed and also other areas.

The points raised by the member for Swan will be referred to the Minister for Works also. He has mentioned the question of sewerage works in his electorate before, and I well recall his bringing forward the question of North Beach on a previous occasion. It seems to be a sore point with the honourable member that they are pressing for it to be done within a reasonably short time. The question raised by him will be referred to the Minister.

Vote put and passed.

Vote: Harbour and Light and Jetties, £689,505—put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr. I. W. Manning.

STAMP ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

CRIMINAL CODE AMENDMENT BILL

Receipt and First Reading

Bill received from the Council and, on motion by Mr. Court (Minister for Industrial Development), read a first time.

PAINTERS' REGISTRATION ACT AMENDMENT BILL

Returned

Bill returned from the Council with an amendment.

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. BRAND (Greenough—Premier) [11.46 p.m.]: I move—

That the House at its rising adjourn until 2.15 p.m. tomorrow (Wednesday).

Question put and passed.

House adjourned at 11.47 p.m.

Legislative Council

Wednesday, the 17th November, 1965

CONTENTS

	Page
BILLS—	
Architects Act Amendment Bill—	
2r.	2476
Com.	2478
Report	2478
3r.	2478
Coal Mine Workers (Pensions) Act Amendment Bill (No. 2)—	
Intro. ; 1r.	2472
2r.	2487
Death Duties (Taxing) Act Amendment Bill—2r.	2474
Decimal Currency Bill—2r.	2473
Land Tax Act Amendment Bill—2r.	2475
Licensing Act Amendment Bill (No. 2)—	
Further Recon.	2472
Further Report	2473
3r.	2473
Offenders Probation and Parole Act Amendment Bill—Returned	2472
Pig Industry Compensation Act Amendment Bill—	
Receipt ; 1r.	2472
2r.	2480
Superannuation and Family Benefits Act Amendment Bill—2r.	2475
Town Planning and Development Act Amendment Bill—	
2r.	2481
Com.	2487
Report	2487
3r.	2487
Traffic Act Amendment Bill (No. 3)—2r.	2488
Traffic Act Amendment Bill (No. 4)—	
Receipt ; 1r.	2472
2r.	2478

CONTENTS—*continued*

QUESTIONS ON NOTICE—	Page
Damming of Gascoyne River—Finance for Construction : Approach to Commonwealth Government	2472
Sewerage : Carlisle-Lathlain Park—Provision	2472

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

COAL MINE WORKERS (PENSIONS) ACT AMENDMENT BILL (No. 2)

Introduction and First Reading

Bill introduced, on motion by The Hon. A. F. Griffith (Minister for Mines), and read a first time.

QUESTIONS (2): ON NOTICE SEWERAGE: CARLISLE-LATHLAIN PARK

Provision

1. The Hon. W. F. WILLESEE asked the Minister for Local Government:
 - (1) Is it the intention of the Metropolitan Water Supply, Sewerage and Drainage Board to undertake the construction of deep sewerage in the Carlisle-Lathlain Park district in the near future?
 - (2) If not, what is the reason for the apparent delay in providing this essential service in the locality which is within a radius of $4\frac{1}{2}$ miles from the city?

The Hon. L. A. LOGAN replied:

- (1) and (2) Subject to loan funds being available, it is intended that further sewer construction be carried out in part of this district next financial year.

Present planning is to drain the remainder of the district to the Rivervale main sewer and subject to priority and provision of funds this would follow construction of sewers in the area between it and the Rivervale main sewer.

DAMMING OF GASCOYNE RIVER

Finance for Construction: Approach to Commonwealth Government

2. The Hon. G. E. D. BRAND asked the Minister for Mines:
 - (1) Has the Federal Government been requested to finance the building of a dam on the Gascoyne River?
 - (2) If the reply to (1) is "No", has any approach, official or unofficial been made by the Government to officials of the Northern Division

of the Department of National Development regarding a project in the Gascoyne area?

The Hon. A. F. GRIFFITH replied:

- (1) and (2) No case has been presented to the Federal Government with a request for finance to build a dam on the Gascoyne River, as such a case could not be prepared on sound grounds until a lot more research and survey work had been undertaken.

However, there have been discussions on the Gascoyne area between the State Liaison Officer, the Director of Engineering (Mr. J. E. Parker), and officers of the Northern Division of the Department of National Development. These discussions will continue from time to time as progress is made with research and survey work.

BILLS (2): RECEIPT AND FIRST READING

1. Traffic Act Amendment Bill (No. 4).
Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.
2. Pig Industry Compensation Act Amendment Bill.
Bill received from the Assembly; and, on motion by The Hon. G. C. MacKinnon (Minister for Health), read a first time.

OFFENDERS PROBATION AND PAROLE ACT AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

LICENSING ACT AMENDMENT BILL (No. 2)

Further Recommittal

Bill again recommitted, on motion by The Hon. A. F. Griffith (Minister for Justice), for the further consideration of clause 3.

In Committee

The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

Clause 3: Section 21 amended—

The Hon. A. F. GRIFFITH: I apologise for having to recommit the Bill. I did not notice that another consequential amendment had to be made as a result of the removal of one of the provisions. I move an amendment—

Page 2—Delete the words "and one hundred and thirty-four D" inserted by a previous Committee.

Amendment put and passed.

Clause, as further amended, put and passed.

Further Report

Bill again reported, with a further amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Justice), and transmitted to the Assembly.

DECIMAL CURRENCY BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.44 p.m.]: I move—

That the Bill be now read a second time.

By way of introduction, it is desired to recall that the Commonwealth Parliament passed the Currency Act two years ago providing for the introduction in Australia of a system of decimal currency comprising dollars and cents, and the 14th February, 1966, has been fixed as the changeover day.

The Commonwealth Currency Act of 1963 is to be replaced by a new Act entitled the Currency Act, 1965, and in this Bill, reference is made to the latter Act, though it has not yet been passed; but we can anticipate it will be the basis of the Commonwealth currency law and will be the piece of legislation relevant to the changeover.

The Commonwealth has power to effect all the changes which the adoption of decimal currency will render necessary, with the exception of the actual amendments or alterations of the construction of the text of State Acts, laws, and statutory instruments. It is necessary, therefore, for all States to introduce legislation to complement the Commonwealth Act for the purpose of making provision in relation to the amendment and construction of State laws, whether statutory or subordinate, consequent upon the changeover to decimal currency. It is for this reason that the Bill before us has been drafted. It provides that all references to money appearing in a law of the State shall, unless specifically excepted, be converted to references in decimal currency on the basis of the following equivalents—

One pound or sovereign = two dollars

One shilling = ten cents

One penny = five-sixths of a cent

The term "law of the State" is defined to include—

an Act;

any regulation, rule, or by-law made under or having effect by virtue of an Act;

and statutory instruments of various kinds.

Suitable provisions have also been made in the Bill for the conversion into decimal currency of percentages or other proportions expressed in terms of money in an existing "law of the State" and for references to the nearest pound, nearest shilling, and nearest penny to be construed as references to the nearest dollar, nearest 10c. or nearest cent as the case may require.

Examples have been given in a schedule to the Bill of percentages and proportions to make the method of conversion from the old to the new currency perfectly clear: It is not possible in every instance of a reference to an amount of money to convert to the exact equivalent in decimal currency as there are some cases where it would not be physically possible to pay the exact equivalent in decimal currency. For example, an amount of 3d. converts to 2½c, but as there is to be no one-half cent coin, it is clearly impossible to make a single payment of this sum. Therefore, although the general rule will be to convert amounts of the existing currency to the exact equivalents in decimal currency, it is necessary in some instances to depart from this rule and fix an appropriate new rate for operation from C-day.

A survey of existing legislation discloses that a number of Acts contain money references which, if converted exactly to decimal currency, would not appear as whole amounts in such currency. In certain instances, for example, a levy of 3d. per ton, this is of no great consequence as the amounts are calculating rates, and although unwieldy looking fractions may result for exact conversion to decimal currency, it is not too difficult to use these fractions in calculating amounts. In these cases, therefore, it is not proposed to depart from the general rule of exact conversion; i.e., for the example quoted, the rate from C-day would become 2½c per ton.

The general provisions of the Bill provide for a rate in the pound to be converted to an equivalent rate in the dollar, which although of similar effect, does represent a change in the units of calculation. It was therefore thought desirable to set out the Acts affected by this change together with proposed amendments. This has been done in the first schedule to the Bill and in order to assist a study of the measure, I have had an explanatory statement prepared which has been distributed to members with copies of the Bill.

Where it is necessary to depart from the general rule of exact conversion, a reference to the Act concerned and the proposed amendment has also been inserted in the first schedule.

It will be noted by members, when they have had the opportunity of studying the first schedule, that the only change of any moment is in the rate of stamp duty on receipts.

The present duty is 3d. on receipts for amounts of £5 up to £100. It is also 3d. for every £100 and part thereof for receipts exceeding £100. As it is not physically possible to pay the exact equivalent of 2½c, it is proposed to increase the rate to 3c.

The Bill provides that each of the Acts specified in the first schedule is to be amended in the manner expressed in that schedule, and also by substituting for any other amounts of money referred to in those Acts the corresponding amounts in decimal currency.

The Acts specified are those requiring amendment as indicated by a survey conducted by departments, with the exception of the Superannuation and Family Benefits Act, the Death Duties (Taxing) Act, and the Land Tax Act, which are to be dealt with separately because of their numerous monetary references.

It has been deemed prudent, in case this list is not exhaustive, to allow the Governor by Order-in-Council to add other Acts to the first schedule should such a course prove necessary; and the Bill provides accordingly.

Acts not listed in the first schedule will not be directly amended by the passing of the Bill, but, under its provisions, any references to the old currency in those Acts are to be construed as references to corresponding amounts in the new currency.

The Hon. F. J. S. Wise: Variation of rates at all?

The Hon. A. F. GRIFFITH: I would rather finish this if Mr. Wise does not mind. The Bill does allow on any reprint of these Acts for all necessary changes to be made of monetary references therein to corresponding references expressed in decimal currency.

The situation with respect to references in terms of the old currency to amounts of money in regulations, rules, and by-laws, is the same as for Acts in that the Bill provides for all such references to be construed as references to corresponding amounts in the new currency.

Similarly, on the reprinting of regulations including rules and by-laws, provision is made for all necessary changes to be made in references to the old currency so as to make them correspond with the new currency.

There is a mass of statutory instruments such as proclamations, orders, awards, determinations, and the like, containing references to amounts of money in the old currency. Under the provisions of the Bill, these references will be converted automatically to references to corresponding amounts in the new currency. Here again, difficulties could arise in those instances where it is not practicable to apply the exact decimal equivalent of an amount of existing currency.

It will be obvious that these multitudinous statutory instruments cannot be the subject of direct amendment by Act of Parliament and, furthermore, in a large number of cases, no provision exists for their amendment.

Consequently, it has been considered advisable to include in the Bill an authority for the Governor to amend any statutory instrument concerned, by Order-in-Council, where he considers such action is necessary in relation to the change in decimal currency.

This provision will become operative as soon as the Bill is passed and assented to and will enable relevant departments to arrange wherever possible for any appropriate amendments to statutory instruments before C-day so that they may take effect from that date.

It should be noted that this provision does not preclude amendment in the ordinary way where one exists and indeed, in a number of cases, the ordinary method would no doubt be no more difficult than that provided by the Order-in-Council provision.

The provision for amendment by Order-in-Council is extended also by the Bill for regulations, rules, and by-laws, for the reason that the authorised method of amendment could, in some cases, cause inconvenient delays; for instance, in the case of municipal by-laws, making or amending a by-law is a matter of some difficulty, requiring resolutions and certain notices and procedure in order to comply with the requirements of the Local Government Act.

It is also proposed to give the Governor power to resolve any doubts or difficulties which may crop up in the conversion to decimal currency. Such a power is essential because it is quite impossible at this stage—notwithstanding a careful survey of the position—to cover every aspect of conversion, and there are bound to be instances where an Order-in-Council will be required to authorise appropriate action.

It has been agreed that it will be necessary for all banks to close for several days in the week preceding C-day in order to facilitate transition from the old to the new currency, and the Bill allows for such closure in the case of the Rural and Industries Bank. I commend the Bill to the House.

Debate adjourned, on motion by The Hon. J. Dolan.

DEATH DUTIES (TAXING) ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.55 p.m.]: I move—

That the Bill be now read a second time.

It is considered desirable to submit this separate measure for the amendment of the Death Duties (Taxing) Act because of the numerous monetary references in that Act and with a view to making provision for the changeover to decimal currency on the 14th February, next year. This accounts for the absence of any specific mention of the parent Act in the Decimal Currency Bill.

The amendments contained in this measure substitute exact decimal equivalents for amounts now expressed in the Act in pounds, shillings, and pence and change rates in the pound to equivalent rates in the dollar.

While some of the new rates appear a little unwieldy and perhaps could have been rounded off here and there in order to facilitate administrative procedures, it was considered very desirable, at this point of time, to make exact equivalent conversions from the old to the new currency rather than change the structure of the several scales. It may, however, be considered necessary later on to redesign these scales in the light of experience, but in the meantime it will be feasible to apply them as they are.

The changes proposed in the Bill will not result in any variation in the level of duty imposed on deceased estates.

Debate adjourned, on motion by The Hon. W. F. Willesee.

LAND TAX ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.57 p.m.]: I move—

That the Bill be now read a second time.

This is another of the measures concerned with the changeover to decimal currency. It proposes the addition to the Land Tax Act of a new section prescribing rates of tax in amounts of decimal currency, which are to operate for the year of assessment ending the 30th June, 1967, and for each year of assessment thereafter. A schedule in the Bill details the new rates which have been expressed as rates in the dollar.

This change from the current practice of applying the tax on the basis of a rate in the pound is consistent with the principle adopted in the Decimal Currency Bill, which, incidentally, includes a proposed amendment to the Land Tax Assessment Act to provide for land tax to be levied for every dollar of the unimproved value of land in lieu of every pound. All that is involved here is a change in the unit of calculation.

Members will notice that the proposed new rates of tax are the exact equivalents in the dollar of the existing rates in the

pound. These changes will neither increase nor decrease the amount of tax payable by an owner of land.

A taxpayer will accordingly be paying the equivalent in the new currency of what he would have paid in the present, and the Bill is commended to members.

Debate adjourned, on motion by The Hon. W. F. Willesee.

SUPERANNUATION AND FAMILY BENEFITS ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [4.59 p.m.]: I move—

That the Bill be now read a second time.

This is yet another of the decimal currency amending Bills.

When the Decimal Currency Bill was being introduced, mention was made of three Acts which required specific amendment in order to prepare for the introduction of decimal currency and which had not been included in the schedule to that Bill because of their numerous monetary references.

One of these is the Superannuation and Family Benefits Act, and the Bill I am now dealing with seeks to amend this Act. It is a fairly lengthy measure, but, with one exception, all the proposed amendments do no more than convert money references in existing currency to their exact equivalents in decimal currency.

The one exception concerns the four schedules to the Act; and, in this case, it has been necessary to propose four new schedules in substitution for the present ones. These prescribe the rates of contribution payable fortnightly, determined according to age next birthday, for units of superannuation in the case of males and females based on elected retiring ages of 60 and 65.

It is not practical to convert all existing £ s. d. rates of contribution to their exact equivalents in decimal currency for the reason that, in the majority of instances, sums would result which it would be impossible to pay in terms of the new currency.

Another complication is that existing schedules set out the contribution required for each two units of pension, notwithstanding the fact that contributors may and do take out one additional unit at a time. The cost of one additional unit under the existing scale is ascertained by halving the appropriate charge for two units and, although this sometimes produces rates with halfpennies, these are manageable in terms of the existing currency. In the new currency, however,

the smallest unit is one cent, and it was therefore necessary to arrive at a new basis for charging for single units.

These problems were referred to the Government's consulting actuary and, in order to solve them, he has designed new schedules which, although in the large majority of cases do not express the exact decimal equivalents of the existing £ s. d. rates, do conform as closely as possible to them. The consulting actuary has also drawn up the proposed new schedules so as to fix the appropriate rate of contribution for single units. I should mention, too, that the Superannuation Board recommends the adoption of the new schedules to the Bill, which I now commend to members.

Debate adjourned, on motion by The Hon. R. Thompson.

ARCHITECTS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 16th September, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. E. M. HEENAN (Lower North) [5.3 p.m.]: The fact that this Bill has reached us on the notice paper will, I am sure, be a surprise to all. As a matter of fact I was just looking up *Hansard* to refresh my memory by reading the Minister's speech when he introduced the Bill, but I have not been able to locate it. I know that at the time the measure was introduced I gave it some study, but my thoughts have largely been forgotten.

The Bill is to amend the Architects Act, which was passed in 1922. I do not think there has been an amendment since that year, and it may surprise members to know that prior to 1922 there was no legislation in Western Australia affecting architects or the practise of that profession. Apparently things functioned more or less satisfactorily, because during the years prior to 1922 there were buildings erected in Perth which are still a credit to the people who were responsible for their design and construction.

Of course, prior to 1922 there were architects of high standing in Western Australia. They had acquired their qualifications in other parts of Australia and in other parts of the world. I am sure there are men who practised in those days who are still household names and who have left their mark by means of the early architecture in this State.

However, there were some practices which caused the passing of the Architects Act in 1922; and, on looking up the

Hansard debates of the time, I learned that, as invariably happens, certain persons who did not have the proper qualifications were setting themselves up as architects and were becoming a menace. So the Architects Act was brought into operation; a board was formed known as the Architects Board of Western Australia; a registrar was appointed; standards were applied and qualifications were insisted on; a committee was set up; and provisions were made for the disciplining of architects who failed to comply with the standards of the profession; and since those days the Architects Board has, apparently, functioned quite satisfactorily.

It appears, however, that over the years it was thought that the Architects Act applied to corporate bodies as well as to individuals; but that, apparently, was a misconception, because in recent years companies, or individuals and their wives, have set up and advertised themselves as architects without possessing the qualifications which the Act insists on for the individual. It appears to me—and apparently the Government has been similarly advised—that no prosecutions can be taken against these companies, because the Act does not apply to them.

An individual cannot hold himself out as an architect any more than a person can hold himself out as a doctor, a lawyer, a dentist, or an electrician without possessing the qualifications which our various Acts insist on. But there is, apparently, a flaw in the Architects Act which enables these people who form themselves into companies to get away with it. That is probably the main reason for the introduction of this measure.

The Bill proposes that in certain instances companies can practise as architects, but one of their directors—or more than one—has to be a fully qualified architect; and there are certain other conditions which are designed to ensure that if these companies are brought within the scope of the Act then the public is to be protected by ensuring that the directors and the shareholders, or the majority of them, are qualified architects. I forget the exact details, but there have been amendments on the notice paper from time to time. I notice there are none today.

The Hon. L. A. Logan: Yes, there are. I have taken the old ones off and put new ones on.

The Hon. E. M. HEENAN: Oh! The purpose of the Bill is a laudable one. It is to ensure that if companies are brought within the scope of the Act and are able to advertise and do architectural work, then the people controlling those companies shall, in the main at any rate, be qualified persons.

I just cannot see the Minister's present amendment, but I will have a look at it in Committee; but, in a general way, I gather that what I have said is the purpose of the Bill.

I did, when the measure was introduced, look up the *Encyclopaedia Britannica* for a definition of "architect" as there is not one in the Act. This is what the encyclopaedia has to say—

ARCHITECT, one who, skilled in the art of architecture, designs buildings, determining the disposition of both their interior spaces and exterior masses, together with the structural embellishments of each, and generally supervises their erection. Formerly, the architect was often active in all phases of erecting a building, from the project to the various details of construction. Today, with the growing tendency towards specialisation and the increasing size of buildings, his designs are executed by various agencies—engineers, contractors, manufacturers, machines, etc.—and his success, to a large extent, depends on the proper co-ordination of these elements.

That definition of the profession of an architect seems to me, at any rate, to justify the recognition, for instance, of a qualified engineer or a qualified town planner because, apparently, in these days the profession of the architect includes the professions of the engineer and the town planner to enable the architect to co-ordinate his activities.

There is another interesting paragraph in this volume of the *Encyclopaedia Britannica* I have before me, which reads as follows:—

The functions of the architect today are manifold and of a highly technical nature. He must first of all be expert in the actual planning of buildings, that is, he must be acquainted with the practical requirements of the accommodation of various kinds of structures, often of a complex order, such as factories and commercial buildings, hotels, theatres, hospitals and schools.

He must know how to arrange the several parts of these buildings in the most economical and convenient manner, for the art of planning is the very basis of the art of architecture.

He must have a thorough understanding of the ordinary methods of building construction, and sufficient knowledge of the principles of steel and ferro-concrete work to enable him to employ those modern structural resources as an artist.

A considerable body of applied science is now involved in architectural practice, but it is always part of the means and never the end of architecture. The architect must be instructed how to make the technical sciences the servants of his art. Not only methods

of construction, but surveying, sanitation, hygiene, heating, lighting, ventilation and acoustics come within this category, as do also such ancillary subjects as the law and finance of buildings.

There is a definition of the work of an architect without much comment from me. It is obvious that an architect has a great responsibility. He has to be a highly skilled and trained man, because buildings are very costly and play a great part in the lives of the community. He also must be a man of high calibre with a keen sense of his responsibilities.

We must ensure, therefore, that a Bill such as this seeking to amend the principal Act is based on sound premises. I am inclined to think that, as the Act now stands, it is ineffectual in controlling some abuses that are practised by those who are not within the profession. These shrewd racketeers who are practising these abuses find they do not have to possess qualifications to do the work they are performing. They have a little knowledge, but are not fully qualified by any means. They form themselves into companies by making their wives or someone else shareholders or partners and then advertise themselves as architects and so mislead the public. By doing this they could, perhaps, cause great loss to those who are engaged in building.

This is a big weakness in the Act at present. In order to stamp out these abuses this Bill proposes to authorise the formation of companies that practise the art of an architect, but it will insist that the people in control of such companies are qualified men. In the main, it will provide that each one of the persons forming a company is responsible for any architectural work that is undertaken by that company.

I am sorry I have not given a better contribution to the debate. I had made some notes but of recent days they have disappeared and, to the best of my recollection, what I have enumerated is what is proposed in the Bill.

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [5.22 p.m.]: I apologise to Mr. Heenan for not informing him that I intended to bring this Bill forward this afternoon. I did mention it to Mr. Wise yesterday, but fairly late in the day, but I did not realise at the time that Mr. Heenan had obtained the adjournment of the debate. Compared to what was originally intended, there have been some changes made in the character of the Bill, and, for the benefit of Mr. Heenan, perhaps I should inform the House of what was intended in allowing a corporate body to be set up. It was considered that two-thirds of the members of the company should be architects and the other third should be made up of members of the Institution of Engineers, Australia;

the Australian Planning Institute Incorporated; the Institution of Surveyors, Australia, and the Institute of Quantity Surveyors (Aust.)

However, during the course of the second reading debate Mr. Watson raised some doubt on the rights and liabilities of such a body corporate. The reason for the delay is that the Minister who has the Architects' Board under his control has been engaged in discussions with the president and secretary of that board, and I also understand they had some consultations with Mr. Watson. As it was intended that a body corporate should be in the same classification as an individual, and as the Act did not make this quite clear, it is now intended to ensure that section 29 of the Act will prohibit any person—unless registered as an architect under the Act—from holding himself out as an architect. If I am successful in having the amendments which I have on the notice paper passed by the Committee, the section will then read—

(1) After the expiration of six months from the commencement of this Act no person, unless he is registered under this Act, and no body corporate shall take, use, or adopt the title or description of architect or architectural practitioner . . .

This will conform to what Mr. Heenan has been saying and will ensure that a body corporate is subject to the provisions of section 29 of the Act. In view of that there will be no need for me to pursue a discussion on clause 2, and it is my intention to ask members, when in Committee, to also delete clause 3. I again apologise to Mr. Heenan for not informing him that I intended to go on with the debate on the Bill, because if I had done so he would have been in a better position to appreciate what the Government had in mind. Nevertheless, I am sure the details he gave to the House on the work of architects were of some benefit to us, and I thank him for his contribution to the debate.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 29 amended—

The Hon. L. A. LOGAN: I move an amendment—

Page 2, lines 7 to 11—Delete paragraph (b) and substitute the following:—

(b) by adding after the word, "Act" in line three of subsection (1) the passage, "and no body corporate".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 3: Section 29A added—

The Hon. L. A. LOGAN: I ask members of the Committee to vote against this clause.

Clause put and negatived.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and returned to the Assembly with amendments.

TRAFFIC ACT AMENDMENT BILL (No. 4)

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [5.29 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to increase vehicle license fees and drivers' license fees and to alter the formula for assessing vehicle license fees. Vehicle concession licenses are also revised by this measure.

Parts of this Bill—as members will perceive—are to an extent, complementary to the Road Maintenance (Contribution) Bill which was recently passed.

One of the reasons why this measure is necessary is because the normal growth in collections from vehicle and drivers' license fees will fall short of the amount of matching money necessary to attract the maximum Commonwealth grant. The figures which bear this out are as follows:—

	Maximum Grant Available £	Estimated net Increase in Fees £	Shortfall £
1965-66	1,080,000	390,000	670,000
1966-67	1,590,000	710,000	871,000
1967-68	2,120,000	1,075,000	1,045,000
1968-69	2,650,000	1,480,000	1,190,000
			£2,776,000

We therefore stand to lose £3,776,000 in Commonwealth grants for roads over the four-year period unless we use loan funds to make good the shortfall, or raise additional moneys for expenditure on roads.

It is not feasible to contemplate any further use of loan funds as we did in 1964-65 for road works. There are already insufficient of these funds for other capital works. The alternatives facing the Government are—

(a) Forgo the grants or a proportion of them. If we do, then there is nothing more certain than a revision in 1969 to our detriment of

the formula including the basis for determining the basic grants for roads.

- (b) An increase in taxes and charges for the dual purpose of financing additional expenditure on roads and attracting the maximum Commonwealth assistance.

This Bill proposes, therefore, to raise additional revenue under the headings already indicated.

Dealing with the vehicle license fees, in 1964-65 our vehicle license fees were reasonably comparable with the "standard"; that is, the average of New South Wales and Victoria. However, Victoria raised its fees substantially from the 1st July this year. The increases were private vehicles, 22 per cent.; business cars, 44 per cent; and commercial vehicles 50 per cent.

In order to keep our level of fees somewhere near "standard," it is necessary to impose increases equal to about 50 per cent. of the rises in Victoria. This means increases of 10 per cent. for private vehicles and 25 per cent. for commercial vehicles. While pursuing this as a general objective, because of the change in the assessment formula from power weight to tare weight, individual vehicles will vary somewhat.

The new basis of licensing on a tare weight formula in lieu of the present power weight basis would remove anomalies, particularly in respect of prime movers and semitrailers. At the same time, it would achieve the desirable objective of greatly simplifying licensing procedures and the calculation of fees.

Members will appreciate that in respect of vehicles in excess of eight tons, some fairly heavy increases in licensing fees will be offset by the 50 per cent. concession when liable to the payment of the road impost.

Some particular reference might be made, I think, to the heavier units of motor wagons including the tractor type, prime movers and semitrailers. Previously, they were treated as two separate units. Over the years, we have had representations from the operators of these vehicles to bring their license fees into line with those in the Eastern States; and the provisions in this Bill have regard to those representations.

A typical example is an "E" class combination, single driver axle prime mover and single axle semitrailer. We find that the Ford Thames Trader with a semitrailer has a license fee of £152 17s. at present and this will be reduced to £117. This type of vehicle comes within the category covered by the Road Maintenance (Contribution) Act and is subject to the 50 per cent. reduction when liable to the road impost.

Some anomalies will be removed. For instance, the Leyland Hippo with a semitrailer pays £213, and this amount will be increased to £275. The Foden and semitrailer pays an annual fee of £209 17s. which will be increased to £291.

The Minister for Transport, when introducing this Bill in another place, read out details of license increases affecting numerous types of vehicles. This was purely of an informative nature and, as the information is already recorded in *Hansard*, I will not weary the House with repetition.

In the matter of drivers' license fees, it is pointed out that in Victoria, the fee is £1, and in N.S.W., it is £2. These two give an average of 30s., which could be regarded as a "standard" and we are to adopt this "standard".

There is provision in the Act for the issue of a free license in respect of primary producers' vehicles used solely on a farm or pastoral holding and not used on a road otherwise than in passing from one portion of the property to another portion thereof. A concession license of 50 per cent. of the normal license fee is also available for one vehicle owned by a primary producer; and, at the discretion of the local authority, this concession may be extended to additional vehicles, if the authority is satisfied that the vehicles are used solely or mainly for the carriage of the products of a farming or grazing business.

The Minister, in another place, expressed the view that there appears to be a complete lack of uniformity in the interpretation of the provisions of issue of concession licenses by local authorities. Some permit one concession license only per farm or holding; others refuse concessions to station wagons and utilities; others allow concessions to motorcycles, private cars and other vehicles as well as utilities and trucks without limit to the number of concession licenses which may be held by any one person.

Consequently, one could be lucky or unlucky in the matter of a concession license but, generally speaking, it appears that most authorities allow concessions for commercial type vehicles, motor wagons and utilities, and relatively few allow them to private cars and other small vehicles.

It is certainly anomalous for a farmer in one part of the country to be treated differently from another at a different location. Therefore, a uniform concession appears highly desirable on the grounds of equity alone. The Bill accordingly amends the Traffic Act to remove the discretion now given to local authorities under section 11 (5) (a) to charge a half-license fee for additional vehicles. In other words, it is proposed to limit the concession to one vehicle only and this is to be confined to commercial vehicles of

30 cwt. tare and above. This would exclude the Holden utility—a 23-25 cwt. tare vehicle.

When giving consideration to this proposal, members might well bear in mind that a farmer is also given a free license for vehicles, including tractors, used solely on his property; and he is charged a reduced fee for tractors used for the carriage or haulage of the products or requisites of his business. These concessions are not to be varied.

Estimates of the additional collections to be made through the passing of this measure are as follows:—

	£
1965-66	495,000
1966-67	697,000
1967-68	747,000
1968-69	804,000
Total	£2,743,000

The contribution to the Police Department in respect of the cost of collecting metropolitan motor vehicle license fees has been £120,000 per annum since 1959. Because of the growth in vehicle numbers and steep rises in salaries and wages since 1959, this contribution is well below the actual costs of collection, which are now estimated at £225,000 on the 1964-65 financial year level.

For the reason that costs in excess of £120,000 become part of the State's outlay on social services, it is highly desirable to keep the excess to a minimum, and it is proposed to amend section 14 (2) of the Traffic Act to empower the Minister, as from the 1st July, 1966, to deduct the full cost of collection from metropolitan license fee collections before the balance is distributed.

As a summation of the combined effect of this Bill and the Road Maintenance (Contribution) Bill, the following main objectives will be achieved. Firstly, the avoidance of any reduction in the State's special grant, because of a relatively low level of motor taxation. This reduction could be in excess of £1 million per annum. Secondly, the attracting of additional Commonwealth road grants amounting to £3,776,000 over the next four years, including this financial year. Thirdly, the provision of additional funds for road works of approximately £8,000,000 over the next four years, including £3,776,000 from the Commonwealth.

It is submitted to members, in support of the impositions contained in these revenue raising measures, that they do no more than call on the motorist and road hauliers in Western Australia to make contributions similar to those being made in other States for the construction and maintenance of roads.

The Bill contains, in addition, provision that moneys collected by the Main Roads Department for overload permits be paid

into the Main Roads Trust Account. This is for the purpose of meeting administrative costs and for charges incurred in providing enforcement.

Revenue from this source is approximately £35,000 per annum at present; and the cost of operating the heavy haulage squad is about £18,000 per annum, and rising.

Under the provisions in this Bill, local authorities will be permitted to spend revenue from license fees on repaying capital moneys borrowed for road construction and road making plant, and also time payment instalments for the purchase of road plant.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

PIG INDUSTRY COMPENSATION ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [5.43 p.m.]: I move—

That the Bill be now read a second time.

The necessity for amending the Pig Industry Compensation Act arises through the projected changeover to decimal currency.

The parent Act makes provision for the payment of contributions to the Pig Industry Compensation Fund by means of special duty stamps. These stamps are required when pigs are sold privately as distinct from sales through agents. Stock firms acting as agents at pig sales are permitted to pay the bulk of the contributions by means of monthly returns; consequently have no need to use the pig duty stamps.

Considerable expense would be entailed in having new dies made for the printing of new pig duty stamps when decimal currency comes into operation. This expense has been estimated to far exceed the approximate amount of £8 per annum being collected by means of these stamps.

As a consequence, it is proposed to make use of ordinary revenue stamps as a means of signifying the payment of duty. This requires a small amendment to delete from the Act the reference to pig duty stamps.

Another amendment provides for statements of sales bearing the revenue duty stamps to be forwarded to the Commissioner of Stamps. This will permit of the transfer of the amounts collected by means of these stamps from the sales of pigs to be made to the appropriate pig compensation fund.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 16th November, on the following motion by The Hon. L. A. Logan (Minister for Town Planning):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [5.45 p.m.]: This would perhaps be the smallest Bill we have had for amending the Town Planning and Development Act for many years. This Bill introduces six operative clauses, only two of which do not affect the penalties imposed under the Act. The parent Act, introduced in 1928 and proclaimed in 1929, made provision for offences related to the value of money or the circumstances of the offence as at that time. I think it is reasonable to find that penalties for even a like offence of 36 years ago, whether it be for town planning or drunken driving, have a difference in regards to today's need for improving the situation and relative currency values.

I think the Minister justified all of the increases which are proposed. Some appear to show a steep increase from £50 to £250 in one case, and up to £250 in another. There is an additional penalty for breaches of regulations under specified parts of the Act. The Minister might care to elaborate on that point—the question of the need for what appears to be the prospect of an alternative penalty and a specified penalty where the regulation under the Act is involved, as distinct from an offence against a section of the Act and its provisions.

The other two provisions in the Bill deal with the proportion of the value associated with land supplied—I could use that word—by a subdivider within his plan for the purpose of making a road as approved under the Town Planning Act, and the amount that shall be paid to, or allowed for, the local governing authority in that connection. I can see no reason to disagree with that proposal.

The last one, which is dealt with in clause 4 of the Bill, is one that introduces what has been a very vexed subject under the Town Planning and Development Act provisions. It is one which deals with the percentage of land to be taken from a subdivider under an approved subdivision by the town planning authority as a contribution for open space, recreation areas, and the like.

We have had, in this Chamber, many very serious exchanges of views on the justice of the taking of a fixed percentage as a condition within the approval by the town planning authority for a subdivision.

It has been the rule in the past that the town planning authority has insisted—and it has the authority under the Act to insist; enormous authority—in regard to the conditions it may impose prior to the approval of any subdivision. We have had that argument on many occasions, and I am sure that Mr. Watson has well in his mind the section of the Act involved.

The Hon. H. K. Watson: Section 29, speaking from memory.

The Hon. F. J. S. WISE: The honourable member's memory is not faulty. This clause proposes to amend section 20 of the Act to allow for a subdivider, with the approval of the Town Planning Board, instead of surrendering a portion of a subdivision for open space, to pay to the local governing body, through the town planning authority, the value of the area which would under other circumstances be taken for open space and be part of the condition, rather than cash as a contribution.

I think it has been found, in practice, that in many areas, small and large, to which the 10 per cent. or a certain percentage applies in regard to the contribution from the subdivider, small portions are not very suitable in a town planning scheme, within a local authority, to be used for the purpose which the Act provides in that particular situation. An area of land for recreation or for open space may be taken from the subdivider for such a purpose, and lie idle for many years because it is not in a situation suitable for its purpose.

The Hon. N. E. Baxter: I notice you used the words "may be" and not the word "shall".

The Hon. F. J. S. WISE: Yes. There have been cases where the word "shall" has not been imposed; we must concede that.

The Hon. R. Thompson: We know of one in particular.

The Hon. F. J. S. WISE: Be that as it may, there have been areas where a portion of the subdivision has been excised with the approval of the town planning authority for open space in a position quite unsuitable for use by any local governing body for the purpose. I think that is part of the background of the proposal in this Bill; to enable the contribution to be a cash contribution and the subdivider to have the right to sell with his other interest that part of the subdivision for residential purposes.

The Hon. A. R. Jones: I wonder who will determine the cash price.

The Hon. A. F. Griffith: That is set out in the Bill.

The Hon. A. R. Jones: He would still have to get it.

The Hon. F. J. S. WISE: It is set out in the Bill. I do not want to enter into that argument because it is only partly relevant to this proposal.

In short, I know the Minister is always prepared to defend his Bills. I do not wish him to be concerned, and I am not going to oppose this one very seriously. We have had those experiences in the past; but this one, it seems to me, is the outcome of the town planning authority finding what I have stated to be the situation both for the subdivider and for the local governing body; namely, that the percentages of land to be taken for specific purposes are often not suitable in their situation.

The Hon. R. Thompson: They are only a nuisance value.

The Hon. F. J. S. WISE: A lot of the areas are too small and become a nuisance to the surrounding areas. Many of them are small and only large enough to be used for a playground if they are near a school. I think this is an attempt to get over a situation where the town planning authority has insisted on a contribution from the subdivider; but it is intended to assist the local governing body by the cash being paid to that body for use by it. The authority can apply the money to a more suitable area for the purpose designated.

The money shall be paid into a separate account for the purchase of land, and I am wondering whether subclause (5) of clause 4 is designed particularly to avoid any chance of reimbursement to the local authority by the vendor at an inflated price rather than at the price at the time of the subdivision. It seems to me it is intended to meet that sort of circumstance so that adjustments can be made in relation to costs and values to avoid a price rise.

THE HON. J. G. HISLOP (Metropolitan) (5.56 p.m.): I wish to be enlightened on one aspect of this measure. If a portion of land is available to a town planning authority or local governing authority, and it is not regarded as suitable for the purpose, I take it this Bill will allow for that land to be converted into cash and the full subdivision of the parcel of land carried out, and for a certain sum of money to be paid to the local governing authority.

In past years we have had brought to our notice the difficulty of handling small areas. I can see that it is absolutely necessary, as the city expands and the outer suburbs expand, that there should be large enough areas of land set aside for football grounds, tennis courts, cricket grounds, and so on. I take it that the money received by the local authorities will be used for the acquisition of larger areas of land suitable for the purposes.

The Hon. L. A. Logan: If necessary, yes.

THE HON. N. McNEILL (Lower West) (5.58 p.m.): As Mr. Wise has said, and I quite agree, town planning legislation is frequently fraught with all sorts of complications. There are circumstances almost invariably associated with legislation on town planning which are connected with legislation in other fields—local government, public works, and the like.

One might be pardoned, I think, for delving somewhat deeply into this Bill on the offchance that there may be something quite complicated contained in the amendments proposed. Having done this I can only say that all I found is, in my view, completely reasonable. I think the amendments are quite reasonable and their results will be most beneficial to a number of people who are concerned and who have had some connection with this particular type of legislation.

As Mr. Wise said, it is true that there have been few items of town planning legislation which have caused more irritation than the requirement this Bill deals with; namely, that 10 per cent. of the land involved in a subdivision shall be set aside for the purpose of public open space and the like and vested in the local authority.

Anybody who has had any local government experience, town planning experience or legislative experience of any description could not have failed to come across, or encountered on more than one occasion, problems associated with this very question. What is proposed in this Bill is that there shall be an opportunity for a subdivider, instead of having to provide a certain area of land for open space, which is vested in the local authority, to make a cash settlement in lieu.

Mr. Wise has examined this proposal most carefully and I do not wish to traverse that ground again. I do agree with him that very frequently—and I have seen this in my own province in some large subdivisions, such as are taking place in what is classed as the coastal area—where there is this requirement that certain land shall be set aside for open space it can quite reasonably be claimed—and it has been claimed by some subdividers and others—that the land is virtually wasted in being set aside for this purpose. As Mr. Wise has said, it can become an embarrassment to those who may live in these subdivisions and it becomes an embarrassment also to the local authority which is responsible for these areas. They require upkeep, and this becomes an expensive proposition; and I repeat: It can become an embarrassment.

The Hon. R. Thompson: That has been discontinued in the coastal region now, has it not?

The Hon. N. McNEILL: No, it has not been discontinued. The requirement is still there and I have some knowledge of some places that are in existence at the moment where this treatment has occurred. The Bill provides, or I should say it is proposed that there could well be a case where this land would not be required by the local authority but it could use the funds in lieu for providing open space in a more suitable area which could be utilised for the benefit of the whole district rather than those in an individual subdivision.

This now becomes virtually possible under the amendments in the Bill, but I would go a step further on this. Mr. Wise has referred to the fact that, a satisfactory settlement having been achieved between the subdivider and the local authority, with the board's approval, the money shall be paid into a particular account which is held for a particular purpose—the maintenance and improvement of recreational grounds, parks, and public open space as such. In my experience this, too, has been a source of some irritation to shires, shire councillors, and ratepayers—namely, the maintenance of recreational grounds and public open space. In few cases to my knowledge have local authorities the funds to set aside for this purpose particularly.

They can allocate funds out of their general revenue account for the purpose but there is always the thought in the back of their minds that this will conflict with the views of certain groups of ratepayers. So it has become an embarrassment to shires where they are required to contribute large sums from their revenue for the maintenance of these grounds; and these are grounds which are used considerably but from which the revenue from hire is not adequate to provide the necessary facilities.

Therefore I think this is a beneficial step, and with subdivisions the subdividers will have an alternative. The money which is derived from this source will be set aside by the local authorities for use on recreational grounds and this is something that the shires themselves will welcome. Under the circumstances, with big subdivisions and population growth, the shires will have some opportunity—although the funds from this source may not be very great—of having funds contributed to assist them with this particular work and I am sure it will be welcomed by all local authorities.

As regards the interjection from Mr. Jones to Mr. Wise on the cash settlement, I felt myself—and I did explore this aspect, because there are grounds sometimes for latitude on the settlement being arrived at between the various parties—that this Bill would allow for a reasonable settlement to be made and would provide protection in the assessment of value.

I cannot take exception to any portion of this Bill. I think it is fair and acceptable and with those few words I am pleased to give it my support.

Sitting suspended from 6.5 to 7.30 p.m.

THE HON. R. THOMPSON (South Metropolitan) [7.30 p.m.]: Like my leader, Mr. Wise, I support this measure. But from some of the interjections around the Chamber, I gather that everybody is not happy with this 10 per cent. provision. I think we must be very realistic about this 10 per cent. that is to be granted to the Crown when a subdivision takes place, or we will find that local authorities will not be able to provide the amenities so necessary to our way of life in this State.

If this 10 per cent. were not granted, and the onus were put on the local authority to buy from the subdivider this land for sporting activities, and for open space, it would mean that the ratepayers who had lived for years in the area, and who had contributed rates over a number of years, would be called on to finance the purchase of open space where new subdivisions take place; and the people who would benefit from these subdivisions in the main would be the speculators.

They are not the people who have sat on land for some years and subdivided it themselves. In the main the land has been sold to speculators; and I could give quite a few cases that come readily to mind where this has taken place; where we see various land development companies paying anything from £200 to £800 an acre for land, and then selling that same land for £1,500 to £2,000 a block.

This is going on in Cockburn at present, and this area has the largest town planning scheme that has been put into effect in Western Australia. I do not think our laws go far enough. In this particular area where there are 750 acres of land subdivided into building blocks we find that water is not now available. These are 750 acres of residential land which people have purchased in good faith from the land development companies. Some of the people concerned have built homes, or contracted to build homes, but when they have applied to be connected to water, they have been told they will not get water unless they can get the required number of applicants on the one hand; or, on the other hand, if a main extension is to take place to service an area, a sum of money is needed—in one case an amount of £10,000 was required.

In some of the cities in the Eastern States the land development companies must provide the amenities that go with a subdivision. Not only must they provide open space, but they must also provide water and electricity. I think it is time that this happened in Western Australia,

because many people are being fooled and taken in by the land development companies in question.

Mr. Lavery has given instances of larger subdivisions where the companies concerned put up notices saying that water, electricity, and transport are available. This is true to a point, because the electricity is three miles away, the water is underground, and one generally has to walk 2½ miles to transport. These are the types of signs that are put up to attract people to buy land.

There are also the areas of household development such as the one I have mentioned where the same thing is applicable. People have paid £1,500 to £1,800 a block in one subdivision, and they have no chance whatever of getting water, unless somebody comes up with £10,000 for the purpose.

I sincerely hope and trust the Minister and the department will give consideration to incorporating in the amending legislation the provision to which I have referred, so that when people buy land in good faith they will find the necessary amenities provided.

Apart from those points I think the Bill is quite a good one. It now makes legal something that has been going on for a considerable period of time. As I interjected when Mr. Wise was speaking, some of the small blocks of land that have to be given to the local authority on the 10 per cent. basis of subdivision are of a nuisance value. I know of local authorities which do not want pockets such as these, which are hidden away, because they usually become rubbish heaps and an embarrassment to the council, which has to send workers out periodically to clean them up.

Nor are these blocks very welcome in small parcels so far as the neighbours are concerned, because if playground facilities are provided they are generally woken up by children in the early hours of the morning. On real values—that is, assessment by the Taxation Department—money can be paid in lieu of the land. Any roadway paid for by the subdivider is recovered by half the value of the road, and the cost of the roadway would be deducted from the amount the local authority could expect to receive. I support the Bill unconditionally.

THE HON. N. E. BAXTER (Central) [7.40 p.m.]: In rising to speak to this Bill I would like to say that over the years, since the setting up of the town planning authority in 1928, there have been many amendments to the Act. A glance at the principal Act shows there were about 13 or 14 amendments up to 1961, and there have been further amendments since then.

From that period onward we have continued to give the town planning authority more and more power to decide the planning not only of the city of Perth but of the region surrounding it. We have given it power to declare land belonging to private individuals as either subdivisional, urban-deferred, rural, or public open space.

The Hon. L. A. Logan: That has nothing to do with town planning. That is regional planning. They are two separate things.

The Hon. N. E. BAXTER: It is part and parcel of the whole scheme, in spite of what the Minister says. It is all mixed up with the planning of the City of Perth, and the areas surrounding the city of Perth.

In latter years we have given this authority power to resume land for the purpose of public open space, and as a result of this a huge area of the Darling Range escarpment has been resumed. The result is that today there is very little for the town planning authority to resume.

A comparison with the other cities of Australia, and with the values of land in their escarpment areas adjacent to the cities, shows how the land in the escarpment area of the Darling Range has depreciated; and this only because of town planning. It really makes me wonder at the powers that we have given this authority.

I would particularly like to refer to clause 4 of the Bill which provides that a subdivider is required to give a certain portion of the subdivisional land not only for recreational purposes but for pedestrian access-ways, roadways, and reserves for drainage. The provision contained in this clause means that instead of giving the land the subdivider can pay the value to the local authority to be used for such purposes as are laid down in the conditions.

So far as I can see Parliament has not at any stage set out in legislation what amount of land can come under the conditions governing recreational land, drainage reserves, etc. It is a condition that can be laid down purely by the town planning authority and, so far as I can see, on the decision of the local authority if it required a certain amount of land for recreation, etc.

This brings me back to the debate we had in this Chamber in 1962, when Mr. Watson raised the subject of taking portions of land from subdivisions. I would like to read from *Hansard* an extract which can be found at page 1153, volume 2, for the year 1962. These are the words Mr. Watson used on that occasion—

The proposed section 20A is really tied up with, or consequential to, the provisions of section 24 of the principal Town Planning and Development Act. Section 24 is the one which

gives the Town Planning Board power to approve of any subdivisional scheme upon such terms and conditions as it thinks fit.

It was generally understood that the terms and conditions upon which the board would think fit were general terms and conditions as to lay-out and development, having regard to the circumstances and the situation of the property. But for some years the board has interpreted that particular section as though one of the conditions it could impose in respect of its approval to a subdivision was the handing over to the Crown, free of cost, of a percentage of the land being subdivided. I feel that that practice is one which was really not intended when Parliament passed that particular section.

On page 1154 he had this to say—

I find it difficult to believe that Parliament would agree to the principle that any authority could have power so to take land from an individual without due compensation; because when we come to the subdivision of a large area of land we find that the subdivider himself automatically makes provision for reserves, parks, playing fields, and so on. That is sound and enlightened subdivision. But when he is expected, as has been the custom in recent years, automatically to give a percentage—it started off at 5 per cent. but in recent years it has gone to 10 per cent.—of his land to the Crown as a condition for receiving the approval of the Town Planning Board to a proposed subdivision, I submit it is extremely wrong in principle.

I believe Mr. Watson was correct in making that statement. As far as I can see nothing is laid down in the Act to determine the amount of land that can be taken by a local authority.

The Hon. H. K. Watson: I consider I was right, and I am still right.

The Hon. N. E. BAXTER: So do I. I do not deny that in large subdivisions provision should be made to reserve recreational areas; but in the case of small subdivisions of 10 to 11 acres the local authority still wants a portion of the land for recreational purposes.

In two instances the local authority concerned took over areas adjacent to as public open space. It took the land for no other purpose than to hold it. Such action borders on the ridiculous. I am not happy with the existing situation, because where a subdivision is granted the subdivider—in addition to providing roads—will in some instances have to find the money for water supplies and electricity extensions. Over and above that he has to give a portion of the land to the local authority.

The Hon. R. Thompson: Why should the purchaser of a block have to provide the required services, on top of paying an inflated price for the land?

The Hon. N. E. BAXTER: I do not disagree with the honourable member. In some instances subdividers have also had to find the money for water supplies and electricity connections.

The Hon. L. A. Logan: Where?

The Hon. N. E. BAXTER: What about the Thornlie subdivision? Money had to be found to provide those services.

The Hon. L. A. Logan: It was paid for by the authority.

The Hon. N. E. BAXTER: I know several instances where those services had to be provided. It was the only way the owners of the land could obtain permission to subdivide it. I could not support the provisions in the Bill in its present form, unless something was laid down. The matter should not be left in the hands of the local authority to impose whatever condition it thinks fit. In some cases people have held land for many years, but if they require a subdivision they are subjected to very severe conditions.

The Hon. R. Thompson: I could tell you a few of those cases.

The Hon. N. E. BAXTER: I have no sympathy for the big subdividers who buy large tracts of land for the purpose of making a profit; but some consideration should be given to the small subdividers, particularly those who have held the land for a long period, even before the plan was introduced.

Some people in the category I have just mentioned have been treated very unfairly. You, Mr. President, and I have have represented a green-belt rural area for a number of years, and we know the hardship that has befallen some land-owners, and the difficulties which they face. I know elderly people who have held land for many years, for which they would receive practically nothing if it were sold tomorrow. They have held on to the land for years and during that time they have been taxed to the hilt through the rates. If they were to sell this land they would not receive enough to enable them to live comfortably in their declining years. Some consideration should be given to this aspect. In regard to the Darling Range escarpment I think the approach was wrongly based. Consideration should be given to the value of the land on the escarpment.

The PRESIDENT (The Hon. L. C. Diver): Will the honourable member please connect his remarks to the provisions in the Bill?

The Hon. N. E. BAXTER: I am referring to the taking of 10 per cent. of the land by the local authority.

The Hon. L. A. Logan: The land on the Darling Range escarpment has nothing to do with that.

The Hon. N. E. BAXTER: I connect my remarks to clause 3, which states that where a person contravenes the provisions of a town planning scheme by using land contrary to those provisions, he is liable to a fine. If the owner of land which the town planning authority wants at some future date were to carry out any development on such land without authority he would be committing a breach of the Act. The value of such land is depreciated to the extent where it is worth very little.

The PRESIDENT (The Hon. L. C. Diver): Order! There are too many members carrying on conversations while Mr. Baxter is speaking. Will they please refrain from doing so?

The Hon. N. E. BAXTER: Much more consideration could have been given by the town planning authority to the people who have been placed in such an invidious position. Although I support the other clauses in the Bill, I cannot vote in favour of clause 4.

THE HON. L. A. LOGAN (Upper West—Minister for Town Planning) [7.55 p.m.]: I am sorry that Mr. Baxter confused the regional planning scheme with the Town Planning and Development Act. When he referred to the Darling Range escarpment he was dealing with the regional scheme, but the Bill concerns the Town Planning and Development Act. Regarding the people who are concerned about the price which their land will fetch, I would like to buy it at the ratable value placed thereon. I am sure they would not sell under those conditions. I am aware of the values of the land in 1953 when the scheme was introduced, and the existing values.

The Hon. F. R. H. Lavery: Some people are making fortunes, and others have been left in the wilderness under the Town Planning and Development Act.

The Hon. L. A. LOGAN: That is life and we cannot get away from it. The only opposition raised is against something not contained in the Bill; that is, against the taking of a percentage of the land in a subdivision for the purposes of public open space and recreation. Where the land is not taken, the cash equivalent can be paid to the authority. By voting against the provision in the Bill this practice will not be stopped, because it has existed for a long time and it is world-wide.

The Hon. F. J. S. Wise: We want to amend the section but the Minister will not agree.

The Hon. L. A. LOGAN: If members are prepared to accept the conditions laid down in the town planning subdivision scheme which applies in Kentucky then I am prepared to amend the Act.

The Hon. R. Thompson: You have a couple of town planners trying to do that now.

The PRESIDENT (The Hon. L. C. Diver): Order! Will the Minister address himself to the Bill?

The Hon. L. A. LOGAN: I am referring to subdivisions and to the functions of the Town Planning Board. I have a copy of the scheme which operates in Kentucky, and from it one can see the very lengthy process which ensues before subdivisions are approved.

The Hon. W. F. Willesee: Probably the owner would die of old age before it was approved.

The Hon. L. A. LOGAN: I can assure members that the subdivider in Western Australia has been treated too leniently. After all, the community determines the value of the land, not the subdivider. After receiving approval for a subdivision, why should the owner not give a portion of the land to the authority for public open space?

The Hon. F. R. H. Lavery: Would you admit that T. M. Burke & Company are the people who make these high values?

The Hon. L. A. LOGAN: The community makes them, because of the regional scheme.

The Hon. F. R. H. Lavery: That was the greatest land scandal in Western Australia.

The Hon. L. A. LOGAN: It is the community which creates the high values. We would not like to have the situation where no public open space is provided. Some members contend that land should not be taken for public open space at all. I am aware that no percentage is laid down under the Act, but it works out that up to 10 per cent. of the land is taken. Where at the moment nine blocks are involved in a subdivision, the authority does not worry about the provision of public open space.

If the authority gets down to the basis of taking 10 per cent. of the land from one subdivider, and not from another, where will it finish up? What a headache the Minister will have in trying to solve the appeals against such subdivisions! A basis has to be laid down, and that is why the provision has been introduced—so that where blocks of land are unsuitable the subdivider can pay cash in lieu of the area to be given up for public open space. This money can be used by the authority to purchase suitable land for the purpose.

I thank Mr. Wise for his sympathetic approach to the measure. He asked about the penalties in regard to the regulations. Ever since the regulations have been promulgated no penalty has attached to them.

The Hon. F. J. S. Wise: All I am concerned about is whether the people involved will have penalties imposed on them.

The Hon. L. A. LOGAN: They will not. We are dealing with two sets of circumstances: firstly, what has to be done to obtain a subdivision; and, secondly, what has to be done after the subdivision has been approved. They affect separate parts of the Act.

We had a very unfortunate set of circumstances not so long ago when three individuals broke the law so far as town planning was concerned. It was unfortunate that for some reason or other they were not charged under the Town planning law, but under the false advertisements legislation. The magistrate referred to the fact that the penalty was not high enough. We believe that if we can increase the penalties we might stop this sort of offence. Mr. Ron Thompson knows some of the circumstances of this one and we do not want it to go on.

These penalties are only the maximum which the magistrate or judge can impose. However, I do not think we need to argue the point about this. It has been asked for by the subdividers themselves and the local authorities. I have received two deputations from local authorities on this and they are anxious for this amendment to be passed.

There are only the three issues involved: the penalties; the transference of either land or money; and the third amendment is to overcome an anomaly created in the amendment made in 1962 in regard to the payment on roads by one subdivider to another. It was found that when one fellow gave half it was all right, but when three-quarters or all of it was paid, the old subdivider could not claim his just share from the new one, or the local authority could not. This amendment corrects that anomaly. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. L. A. Logan (Minister for Town Planning) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 20 amended—

The Hon. N. E. BAXTER: I would like to make a short reply to some of the remarks of the Minister. When the matter of the 10 per cent. of land being taken, was brought up in 1962, several of us in this Chamber met Mr. Lloyd one evening and had a discussion with him. He assured us it was not mandatory for a local authority to claim this 10 per cent. Except for very small subdivisions the Minister spoke about, I do not know of any case where a local authority has not availed

itself of this 10 per cent. provision, whether the land is required for any purpose laid down in the Act or not.

The Minister also said that I was getting mixed up with the Metropolitan Region Town Planning Scheme Act. I ask him to look at the title of the Act and I will remind him when the title comes before the Committee.

The Hon. L. A. LOGAN: The honourable member spoke to me the other day about the statements made by Mr. Lloyd. Can any honourable member convince me that Mr. Lloyd, as Chairman of the Town Planning Board, having dealt with these subdivisions ever since he was appointed, and having accepted the principle of the necessity for open space, would tell any of us that it was not mandatory, or that the board was not going to do it?

The Hon. R. Thompson: Didn't he come up to discuss the roadway Bill?

The Hon. L. A. LOGAN: Yes, but the situation has nothing to do with the local authority. In the first place the conditions are laid down by the Town Planning Board, but when application for a subdivision is received by the board it immediately sends it to the local authority concerned for its comment. The local authority might not want the land, but the board does not take away the condition; it leaves it there, and the subdivider under those circumstances gets the block of land. This is only done after consultation with the local authority.

The Hon. R. Thompson: They are only interested when there are 10 blocks or more.

The Hon. L. A. LOGAN: So that is the situation. Whether Mr. Baxter wants to talk about the title or not, he is talking about what happened under the regional scheme, and I am talking about the Town Planning and Development Act.

Clause put and passed.

Clauses 5 to 7 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Town Planning), and transmitted to the Assembly.

COAL MINE WORKERS (PENSIONS) ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [8.9 p.m.]: I move—

That the Bill be now read a second time.

Following retrenchments in the coal-mining industry in 1960 as a result of the closure of Amalgamated Collieries Ltd., certain concessions were granted to displaced workers, one of which was a provision for a refund of contributions to be made to workers who could not be re-employed in the industry before the 28th July, 1961.

The number of men required for the industry was greater than was first anticipated and members may recall that recent legislation to the pensions Act allowed men to refund to the pension fund, the amount received as a refund of contributions in 1961, and by so doing could become entitled to retirement pension benefits under certain conditions.

One of the conditions stipulated was that a worker would require to have paid contributions to the pension fund for an aggregate period of 25 years. This requirement was inserted in the Act because of actuarial advice that every worker should pay contributions for 25 years in order that the fund would be in a financial position to meet the commitments for future pension benefits. This advice was taken and the Act was amended in 1948 to provide that any worker who was first employed or re-employed in the coal mining industry after the 7th January, 1949, would not be eligible for age 60 retirement benefits if he was then over the age of 35 years.

Workers who were already in the industry prior to the 7th January, 1949, retained their eligibility for retirement benefits regardless of the 1948 amending Act, and some of those men who were retrenched in 1960 will reach the retirement age of 60 prior to being able to complete 25 years' contributions. The fund commenced operations in July, 1944, and any worker who attains the age of 60 before July, 1969, will be unable to fulfill the 25-year period mentioned.

There are a number of men so affected and because of the unavoidable retrenchments in 1960, they were over the age of 35 when they were re-employed a few months later, and except for their retrenchment, they would have qualified for benefits.

It is now proposed to remedy this state of affairs by providing that any person who was in the industry prior to the 7th January, 1949, and whose employment in the industry was continuous except for the 1960 retrenchment period, and whose contribution period was unbroken except for the retrenchment period mentioned, will qualify for benefits regardless of the normal 25 years' contribution requirement.

There is one other amendment proposed and this is in connection with the amount a retired worker or his dependants may earn from employment after retirement. The present earning rate is fixed in the Act as an average of £5 per week. This

rate was in conformity with the allowable earnings of a married couple under the Commonwealth means test in 1955, but as the rate for a married couple is now £7 per week under the means test, the unions at Collie have requested that the allowable rate of earnings under the coal miners pensions Act be brought into line and increased from an average of £5 per week to an average of £7 per week. There are only the two amendments in this Bill, which I commend to the House.

Debate adjourned, on motion by The Hon. W. F. Willesee.

TRAFFIC ACT AMENDMENT BILL (No. 3)

Second Reading

Debate resumed, from the 16th November, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [8.14 p.m.]: There is certainly nothing in the title of this Bill to suggest that it relates to the use of a breathalyser to detect and, as is claimed by the Government, to deter drunken drivers. The Bill proposes that persons suspected of drunken driving may be compelled to undergo breath tests and, in addition, under some circumstances, to give blood samples. It is claimed that the purpose of the Bill is to act as a deterrent in regard to drunken driving, and also to provide a means for detecting drunken drivers.

I am told, for I have no personal experience, that persons who drink to excess may become either daring and reckless in their driving of a motor vehicle, or subdued and extraordinarily careful. If their judgment is impaired by alcohol and their control of a powerful machine is erratic and unstable and therefore dangerous to others, then whatever may appear to be reasonable, or to be done reasonably, to prove the case would seem at first glance to be difficult to object to.

I am speaking, I admit, as a person who could never be convicted of drunken driving either as a result of a breathalyser test or a blood test; and I have no idea, except from references I have read, to what degree drunkenness develops from varying quantities of beer over different periods. I admit, too—this might sound stupid, but it shows how neglected has been my education—that I do not know the difference between a glass, a middy, and a schooner. I understand those are terms in current daily use when the drinking of some beverages takes place.

The Hon. J. Dolan: A schooner is a ship.

The Hon. F. J. S. WISE: That is something I knew.

The Hon. A. F. Griffith: If you have a shipful, you will know all about it!

The Hon. F. J. S. WISE: Except by reference to tables, one of which I obtained from the Minister for Police, I have no idea of my own knowledge how much alcohol it takes to put a man or a woman under the influence of drink. But I do need convincing that a manually adjusted and operated machine is wholly accurate in its reactions and recordings, and that it is absolutely, and in an unqualified sense, reliable when measuring, by means of the air a person breathes into the machine, the quantity of alcohol in that person's blood.

If it can be shown—and it has not yet been shown—that the machine is wholly accurate, say as accurate as an electric computer, even that does not mean that this method will definitely act as a deterrent to drinking and will therefore act as a part deterrent to drunken driving.

The Bill provides in proposed new section 32B (2)—

Where a member of the Police Force has reasonable grounds for believing that a person has committed an offence against section thirty-two of this Act, by reason of his being under the influence of alcohol, the member of the Police Force may, subject to subsections (3) and (4) of this section, require that person to submit himself for an analysis of his breath for alcohol.

He shall compulsorily have his breath registered by a machine and, by that action, have the quantity of alcohol in his blood measured. If he is not within 25 miles of a breathalyser, and if it is more than four hours after the occurrence which warranted the police attention and action, the person concerned may submit himself for a blood test. However, in the case of the breathalyser, if the machine shows he has .15 per cent. or more alcohol in his blood, he is under the influence of alcohol. If the machine shows less than .15 down to .05, he is not under the influence of alcohol; and if the machine shows .05 per cent. he is absolutely safe and pronounced to be not intoxicated.

It is a case of a man having to prove himself not guilty on the evidence taken against him by a machine which is subject, I suggest, to many imperfections including human errors.

The Hon. R. F. Hutchison: You are quite right.

The Hon. F. J. S. WISE: I do not like that angle. The Minister said the machine has been accepted as a means of accurately defining the alcoholic content of a person's blood. Those are the words the Minister used. He mentioned that in Germany for many years, and in certain States of the United States of America, the machine has been accepted as a means of testing the quantity of alcohol in a person's blood; and we were told that in

Victoria, of 970 person who were tested, 827 were charged. Of course that does not prove to my satisfaction anything other than that 827 people were alleged to be under the influence of alcohol.

This machine provides a ready means, if legislation such as this is accepted, of having many people arraigned before a court and prosecuted. I think it is wholly necessary in an Act such as this undoubtedly will be, I fear, to have proof that the manually adjusted and operated machine is absolutely accurate; that there is no chance as a result of carelessness in operation that the remnants of, say, the Minister's test that he had a few minutes prior to my test, are not in the machine when I am being tested for the misdemeanour of taking more alcohol than is good for me.

The Hon. A. F. Griffith: There is no chance of that.

The Hon. F. J. S. WISE: Why not?

The Hon. A. F. Griffith: Because the receptacle part of the machine is changed from operation to operation.

The Hon. F. J. S. WISE: I see. I had a look at one of these machines, and the only conclusion I came to was that it was more photogenic than I am.

The Hon. A. F. Griffith: That may be so.

The Hon. F. J. S. WISE: There is another stricture so far as the person being tested is concerned, because it is mentioned in the Bill that if a person is not wholly co-operative, the test may be variable; and, indeed, it will be, because it needs the co-operation of the accused, or the person being tested—I will not call him the victim—for the result to be thoroughly acceptable as a basis for evidence.

I believe very firmly there is a great need for complete accuracy in such cases as this. I would not for one moment condone drunken driving—do not misunderstand me there! Although blood tests may be very difficult, the practice and use of blood tests over much testing of many maladies has been shown to be very reliable indeed.

In proposed new section 32B on page 6 of the Bill it will be found that, in certain circumstances, if a person refuses to take a blood test he commits an offence against the Act.

The quantity of beer or whisky that it takes to register a non-intoxicating quantity, which is referred to in the Bill as .05 per cent., is very interesting. This document I have in my hand I received, as I mentioned earlier, from the Minister for Police. It refers to a test two hours after the last drink, and it shows—.05 per cent., not intoxicated; .1 per cent., could be intoxicated; .15 per cent., intoxicated. On the basis of beer containing 4.5 per cent. alcohol by volume, this table shows clearly

that 10 oz. of beer would register .016 per cent. in the blood and 30 oz. would register .048 per cent. in the blood.

I think a beer bottle contains 26 oz. So, if a person consumed over a bottle of beer, this machine, if wholly accurate, would show that he was not intoxicated. If, however, a person consumed 60 oz. of beer—that is the equivalent of nine of these ships, or schooners, his blood percentage would be .096, which is under the 1 per cent. that "could be intoxicated". On that point I feel this reaction: I might very well be intoxicated if I had nine schooners of beer—but I am not in practice, I admit.

The Hon. E. C. House: You had better try.

The Hon. F. J. S. WISE: I would not like to; I could not take nine schooners. But nine schooners under this schedule would give a registration of .096 per cent. on the breathalyser, and the ruling is that .1 per cent. could mean intoxication. I think it would be conceded that this would vary from individual to individual, and with the duration over which the intake was recorded.

The Hon. H. C. Strickland: And with the climatic conditions, too.

The Hon. F. J. S. WISE: They would have a very big bearing on it. If a person drank 13 schooners he would, according to this scale, be very close to the .15 per cent., and would definitely be intoxicated.

The Hon. A. F. Griffith: Are you saying, in other words, that the breathalyser is reasonable in its measurement?

The Hon. F. J. S. WISE: I do not know. I do not think it would be reasonable as far as the condition I would be in if I had nine schooners. I would be in a hopeless condition, and I would say the breathalyser would be nearly out of action.

The Hon. A. F. Griffith: You might put the breathalyser out of action.

The Hon. F. J. S. WISE: The results obtained from tests made on it must vary according to the habits and customs of each individual, and the ability of individuals to become accustomed to alcohol, surely! According to this table it would require 100 ounces of beer to be consumed by a person in order that the breath of that person would register .16 per cent. on the scale of the breathalyser. That would be the percentage of alcohol recorded in the blood of the person taking the test. That appears to me to be low.

The Hon. C. E. Griffiths: That would be four bottles.

The Hon. F. J. S. WISE: Four bottles is a lot of beer, surely! It is interesting to note that the body eliminates alcohol at the rate of .02 per cent. per hour. That is an indication that, to a person of normal habits; a person who could be said to be a moderate drinker, appears to me to have,

in taking this breathalyser test, considerable latitude in being exonerated from being accused as being under the influence of liquor.

The Hon. A. F. Griffith: Surely that is in its favour.

The Hon. F. J. S. WISE: I am not commenting on that. I am merely stating that as a fact as it appears to me. I am wondering whether the Minister could produce any figures as a result of tests being made simultaneously on a breathalyser and a person actually undergoing a blood test. I wonder whether he could produce any proof that there is no margin of error between the two methods. That would be an interesting test to have recorded. Most likely such a test has been carried out. Under this Bill we propose to endorse a system which, so far as I am concerned, must be pronounced as being absolutely accurate before a person should become involved with it, and we should be certain that the results obtained are *prima facie* evidence of such a person's intoxication.

There is no doubt that if this legislation is passed there will be many more convictions of persons charged with drunken driving. Firstly we must consider the compulsory aspects of this Bill, and the ability of a person, under compulsion, to submit himself to a test on the breathalyser under the supervision of a police officer. However, even if he undergoes such a test and it is proved that he is drunk and is convicted, does that necessarily mean it will be a deterrent to the person so convicted?

The Hon. J. G. Hislop: Not until afterwards.

The Hon. F. J. S. WISE: It may not be a deterrent then. I repeat that I have no kindly feeling at all for the person in charge of a very powerful machine who, under the influence of liquor, maims or kills another person, or, with that machine, is dangerous to his fellow citizens. Drinking alcoholic liquor and driving a motor vehicle cannot mix when it comes to a question of public interest and safety. I would not mind if we could manage, in some fashion, to initiate a method to ensure that some compulsory treatment of the individual can be avoided.

I put forward the suggestion that when a person is sober and far removed from the influence of alcohol, he would adopt a very different attitude from the one he would adopt under the influence of alcohol. Most persons resent authority, if they do not resist it. They resent being treated authoritatively. How many persons have been "sirenised"—if I can coin a word—by a policeman coming up on one's driving side and urging one to the side of the road? Many of us, I presume. What is our reaction?

The Hon. G. E. D. Brand: A terrible feeling.

The Hon. F. J. S. WISE: Yes, it is a terrible feeling, and one resents it.

The Hon. A. F. Griffith: It appears to me that the comment shows a fellow feeling.

The Hon. F. J. S. WISE: Well, it happened to me in Thomas Street. After leaving this House one evening about 11.30 o'clock, I saw three or four vehicles in front of me travelling at a speed of approximately 25 miles an hour and I thought that if I could skip around them I would have several miles of open road in front of me. I was pulled up and I was told that I was driving at a speed of 45 miles per hour. I resented being told that, because I only drove at that speed for about 100 yards. However, I was caught and I had to pay the penalty. I pose this question again to members: What is the reaction of an ordinary individual, when sober, to being told that he has broken a traffic law? His feeling is one of resentment. I can only guess what his feeling would be if he were apprehended whilst under the influence of liquor. He would have more than a feeling of resentment!

So let us have a look at what we might do. In this State the number of drivers' licenses of all kinds that have been issued up until the end of the last financial year was 325,000. I suggest that of that number, 300,000 drivers at least at the time of the issuance of their licenses annually, would, if asked whether they would be prepared to agree that, at all times when they offended the traffic laws, they would willingly and voluntarily submit themselves to a blood test, would agree to such request. In the minds of 300,000 drivers there would be the immediate reaction of saying to themselves, "I am not going to offend. I am not going to have nine schooners. I am not going to break my word or break the law." I am looking for a way which would enable the vast majority of well-intentioned drivers, instead of undergoing a compulsory test, of their own volition saying to themselves, "If I offend and I am involved in an accident I will have a blood test taken."

Of the others who, at the time of the issuance of their licenses, refused to agree to such a request, we would at least have their names and they would be known, and I feel sure they would be induced by the behaviour of the others to join the vast majority. I repeat: I am simply posing a suggestion as an approach—or a provocative thought if members prefer—in an endeavour to find some way of avoiding the foisting upon an individual a compulsory test in all cases and at all times and, instead, to have a voluntary test made. A volunteer is generally preferable to the conscript.

If we could, therefore, by invitation, have 95 per cent. of our people prepared to endeavour, of their own volition, to conform with the law, I think we would be making progress. I admit it is very easy

for some of us to conform with the law. We are a temperate Parliament. It is very easy for the vast majority of individuals, but I admit it could be very difficult for others, because of the habits they have practised over many years, to conform with the law; but we are looking for a solution to a very serious problem.

The Hon. R. F. Hutchison: Close all the breweries!

The Hon. F. J. S. WISE: That is impossible. We cannot close all the breweries; but let us look at something which may be practical as an approach. The method of compulsion not only brings opposition, but also brings forth suggestions that the freedom of the individual is being interfered with. Compulsion poses that attitude very strongly and induces a resentment to ordered authority; an authority which should be respected, but not resented and resisted.

In the information that has been presented to us it has not been shown that the machine is definitely perfect in the registration of the quantity of alcohol in a person's blood via the media of the measurement of his breath. It has not been shown that a moderate drinker would be cleared by the machine at all times if a drunken driving charge were made against him. I think, too, it has not been proved that convictions alone would constitute a deterrent against the offence of drunken driving. The increasing road toll due to drink was not mentioned by the Minister, and that, to me, is the basis upon which legislation such as this should be drafted and presented.

The Hon. A. F. Griffith: Surely you do not have to mention this! Everybody knows this problem.

The Hon. F. J. S. WISE: Everybody does not know. I am one of a handful of individuals in this Chamber and I do not know, and I am wondering how many others know. How many others know the number of persons who have been found to be drunk whilst driving vehicles involved in accidents on our roads this year? Does everybody know? Does the Minister know? Of course he does not! It is nonsense! But that should be the basis of this Bill.

The Hon. R. F. Hutchison: Of course it should!

The Hon. F. J. S. WISE: There must be a considerable percentage and that percentage should be the basis of argument in supporting the passage of this Bill and in regard to the claim of what the Bill will achieve. I would like to know what percentage of bad accidents have been caused by persons who have been driving while under the influence of liquor. A tremendous number of accidents are caused by people who are completely sober, whether they occur on country roads or in the city. That statistical information would be known, but I can

assure the Minister that everybody does not know it. It has an important bearing on the attitude I will adopt when the vote on the second reading of the Bill is taken.

THE HON. R. F. HUTCHISON (North-East Metropolitan) [8.45 p.m.]: I am not going to vote for this Bill as I think the wrong line has been taken. The measure has not been considered enough. I want to know who is going to suffer. I can see it will be the women who are perfectly innocent people. It will be the wives and families who will suffer perhaps much more than the victim. By that I mean the man who is arrested because he is the worse for drink.

A fine of £200 or £150 might sound all right here; but it may be the father of a family who will be the victim of drunken driving, and surely there must be some way other than penalising and ruining—that is what it will do—his family. Most of the people concerned will come from the ranks and will have the greatest difficulty in raising £200. The first thing he will know is that he will have to mortgage his house; and if his license is taken away from him for life he may not be able to do the kind of work he is used to.

The Hon. A. F. Griffith: Often the first thing which results from drunken driving is a coffin with someone in it.

The Hon. R. F. HUTCHISON: I am not excusing drunken driving; I am talking about the way we are approaching the problem. The passing of this measure will achieve nothing, and I am pointing out the things that are going to happen. The whole family will suffer.

The Hon. J. Heitman: They suffer now.

The Hon. R. F. HUTCHISON: I would make a drunken driver seek a cure by attending a school. I would make him come in each night so that he could be taught.

The Hon. A. F. Griffith: How to drive while he is drunk?

The Hon. R. F. HUTCHISON: I would have him taught how to leave alcohol alone, and I would make him report regularly in order to see if he were drunk. The Minister does not seem to care if people suffer. However, I can tell him what happens to a family, as I have worked in the ranks for a long while. I think Mr. Wise made an epic speech and he should be congratulated—and this I do. There was common sense in what he had to say and all we want is common sense. We are not getting it from the Minister's party. There is not much common sense in the severe penalties in this measure because they will not reduce the number of drunken drivers.

If a man is put in gaol for one or two years, who will suffer? It will be his family. They will be ruined, and will possibly lose

their home. That is what will happen; and it will have a serious effect on the children. I do not wish it to be thought that anything I say condones drunken driving, but many of the people concerned are not really drinkers. Probably they may be drunk once or twice over the years; and surely there must be some other way to handle this problem.

We go out to convivial evenings and everybody who goes to a party knows there is drink there. If I had my way I would ban drink. I detest and hate it. I have never tasted beer in my life, although I am not a wowser. However, I know the damage it does as I have seen enough of it in my lifetime as well as the suffering as a result of it. I say this Bill is wrong in principle.

It is a severe Bill and is not the type of legislation we should have in an educated community. Surely, by and large, we are an educated community; and surely there are men with sufficient brains to come up with something better than this. I wonder if some of those who go home from here on some nights were involved in an accident, what the effect of this penalty would be? I think it will have a surprising effect.

Therefore I say this Bill should be withdrawn and a conference held in order to ascertain some other method of dealing with this problem. A committee should be set up comprising medical men, psychologists, psychiatrists, and other men who know about these things, instead of this measure being passed willy-nilly by politicians.

This is a matter which affects the whole of our community; and the Bill before us is the most savage one I have ever known. The penalties are unjust and constitute a threat to the general public. Mr. Wise mentioned one thing: We boast of being a free country, but we are soon going to be a country of serfs. I never heard of anything worse than this occurring in Nazi Germany; and I have read many books about that country—books that would horrify one.

The Bill should be withdrawn and a committee set up composed of medical men who know the effects of drink and what it can do to a man. As a result of their deliberations perhaps something could be brought out which could tell people what to do in regard to drink; and if they refused to do what they were told then a way should be found to punish them; but we do not want to punish their families by fining them large sums of money as this will only affect their wives and deprive their children of their needs, and they will be thrown on the State. It will be the State that will have to pay. There is no common sense in this.

If we cannot work out a better Bill then we should get out of Parliament. I think Parliament will be losing its effectiveness if we cannot find a better way to approach

drunken driving. I am not saying anything in defence of drunken driving; if I had my way I would close up the breweries. Even when children reach the age of 17 or 18 years they are introduced to liquor; it is in common use in our society. So surely we can think of another way to meet this problem. The penalties in this measure will not do anything to help society; they will not cure a man of drinking. A man may have to go to gaol, and he may have his license taken away from him for life, but will that cure him? We are living in a society that is run by the motorcar; and in a lot of cases a man's living depends upon a motor vehicle.

I oppose this Bill quite definitely and say it should be withdrawn and, instead, a conference of medical men and psychologists should be appointed to inquire into this problem to ascertain what causes people to drink. I know—and everyone knows—that in many cases people are driven to drink. The man who gets drunk experiences a lot of stress; and this is something I have observed during my life. This is the angle we should be attacking—the medical side.

If the board I mentioned was set up, people who drink could be examined by knowledgeable people. All this Government is doing is protecting the breweries, not the person who is going to suffer if this measure is passed. I tell the Minister now that if he imposes these penalties of £200 and £150 and a breadwinner is taken away from his home for a year or 1½ years, there will be trouble in our society—there will be a rebellion about it. I oppose the Bill and hope it will be withdrawn and that we will tackle this problem in a common-sense way as Christian people and not in the way proposed.

THE HON. W. F. WILLESEE (North-East Metropolitan) [8.55 p.m.]: I view this legislation mainly in the light that the consequences could act as a deterrent and that there will be a resultant prevention of a situation before it actually happens. I think it would be reasonable to say that because of the drastic penalties imposed a person of conscientious thought with control of his senses would say to himself, "I do not intend to take the risk of drinking any more before driving my vehicle along a highway."

If this Bill achieves that purpose in even a minority of circumstances, it will be doing something good. I do not intend to traverse the situation depicted by my leader with regard to the circumstances that apply to the accuracy or possible disadvantages of the breathalyser, but it does strike me that if we can prevent something happening by way of legislation then that is all to the good.

I believe, with my leader, that some people are silly under certain circumstances.

The Hon. F. J. S. Wise: Some all the time.

The Hon. W. F. WILLESEE: And some most of the time. There are some people who, given a situation of quick circumstances, whether they have been drinking tea or whether they have been drinking beer, will reveal no difference in their completely rational analysis of that situation; but if they be drivers involved in an accident, they will be at fault.

The Hon. A. F. Griffith: I do not think this will stand up to medical examination—tea as against alcohol.

The Hon. W. F. WILLESEE: As you know, Mr. President, I am not a medical man.

The Hon. A. F. Griffith: Do you drink much tea?

The Hon. W. F. WILLESEE: I am not a connoisseur of tea and I do not intend to pursue the subject any further. It was suggested that climatic conditions would have some effect upon the quantity of alcohol a person might imbibe—and that is true. I am prepared to say this: In the northern parts of the State where there is intense heat for months on end, hours on end, and day in and day out, it becomes quite commonplace to imbibe quite unusual quantities of liquid without its having any effect whatsoever on a person's mentality. So the implementation of an instrument to record what might happen in a variety of circumstances is not something to be enthusiastic about.

Nevertheless, if we can instil a possibility of forethought into a problem that can influence the anguish of a family and the anguish of a person, it will be a good thing, because some people who drink and who would be involved in an accident, would be the most sorry of people and would have the best intentions in the world, but because of the situation in which they were caught, they would have to face the penalties of the law—and that would be just. But what of the people who drink to excess, but evade the circumstances of an accident and therefore evade the compulsory use of the breathalyser? They are the lucky ones.

I think there are periods of time when we have to adopt even temporary legislation to meet a very particularly serious situation. I am sorry that in this piece of legislation we tend to put upon a certain section of the community a weight of inference quite beyond, I think, the analysis of all of the accidents that would happen in Western Australia over a year.

Nevertheless, to get back to my starting point, if this Bill can introduce into the minds of some people a thought that it would be better to be cautious, prudent, and thoughtful rather than to continue to the extreme, then this legislation will have achieved something. I do not think for one minute that it will have any effect upon what might be called the established drinker.

However, it could happen that the person who is not a heavy drinker and who is aware that he is not capable of taking a quantity of liquor beyond a certain amount, might say to his pals "I have had enough for now. Let's leave it until some other time." That particular person might be influenced to do that rather than take the consequences which occur from accidents. It is not always the person who is in the right who suffers; it is very often the contribution of the two parties which causes the accident.

The Hon. R. F. Hutchison: Many accidents happen to people who do not drink. What about those cases?

The Hon. W. F. WILLESEE: I think the honourable member is supporting me in what I am saying. What we are trying to do is eliminate accidents wherever possible. If we can produce a deterrent to the starting point of an accident, by all means let us do so.

So, whilst the Bill in itself is challenging, and whilst its clauses might be vicious—I think they are in some instances—if it has some salutary effect and if we do not have to implement the penalties—because there is a deterrent in the minds of some people—surely it is worth supporting.

THE HON. J. G. HISLOP (Metropolitan) [9.2 p.m.]: There is a lot which may be said about this measure both for and against. I think, before we indulge in medical tests, we have to be very careful to see that they are really effective. Frankly, I think that this Bill should come second to another Bill, and that Bill should be to reduce the alcoholic content of our beer and whisky.

The Hon. R. F. Hutchison: Hear, hear!

The Hon. J. G. HISLOP: I have repeatedly asked for the alcoholic content of our drink to be reduced, and about two years ago I received a long statement as to why it could not be done. Yet the whisky in the rest of Australia is considerably weaker than ours. If that is because we are just kowtowing to those who produce whisky in this State, it is all wrong.

The Hon. G. C. MacKinnon: It is not that; the producers would dearly love to have it reduced.

The Hon. J. G. HISLOP: Then why not do it?

The Hon. G. C. MacKinnon: Why do the same as everybody else?

The PRESIDENT: (The Hon. L. C. Diver): Order!

The Hon. J. G. HISLOP: I simply ask why it is not done. Nobody will answer me. The other States have drinks which are much less potent than ours.

The Hon. W. F. Willesee: One does not cut down his drinking because of that. The same amount of alcohol content would be consumed.

The Hon. J. G. HISLOP: People who take a few drinks at a social function will not sit drinking until they are drunk. If the alcoholic content is reduced, then they will not be affected to the same extent. Secondly, we are entitled to a light beer similar to other countries. I remember the "Skipping Girl Lager" which we got from Germany before the war, and also "Schlitz Pabst" which is available in America. Those are beers with a light alcoholic content.

In this State we are pressing this problem but we are always faced with this overproof spirit. I think it is the responsibility of the Government to take this matter seriously and reduce the alcoholic content to what it is in the Eastern States.

The Hon. R. F. Hutchison: I asked for that years ago.

The Hon. J. G. HISLOP: I have never made any headway at all. It is obvious that it should be done, but it is not done after repeated requests.

The Hon. A. F. Griffith interjected.

The PRESIDENT (The Hon. L. C. Diver): Order! The Minister will have an opportunity to reply to the debate.

The Hon. J. G. HISLOP: I only say that the alcoholic content in this State at the present day is higher than in the rest of Australia, and I am told it cannot be reduced. I have always said in this House that our alcohol should be reduced in content, but the reply is always the same as it was two years ago.

The Hon. F. R. H. Lavery: I can remember that reply.

The Hon. J. G. HISLOP: The reply I received is complete nonsense. Reducing the alcoholic content of our drink should be the first attempt to prevent accidents; with this Bill we intend to take action after the accidents have occurred.

Quite a large number of people are capable of taking three or four whiskies, and if the alcoholic content is lessened, they would not ask for another two whiskies to make up the percentage lost. I think somebody is reprehensible for putting up this sort of measure while we stick to this high alcoholic content beverage. It should be reduced to that of the Eastern States. I do not mind if those who produce the alcohol object; I have nothing on their side. We can only say there is some consequence in reducing the alcoholic content. I make it quite definite that this can be done. When will it be done?

I will not rest until such time as somebody gives a positive answer that it is to be done. Instead of getting that

answer I am debating a Bill which I do not like. Let us look at some of the parts of the Bill. There are people who drink alcohol in small quantities, and they cannot stand it. They are not capable of holding it. In their case, the breathalyser will not show any marked effect. What is going to happen in their case?

The Hon. F. J. S. Wise: Those people could still be intoxicated.

The Hon. J. G. HISLOP: Yes; some people cannot handle alcohol at all. I am not at all certain or convinced that the breathalyser is accurate. I would like to have a look at the inside of the machine because I do not like the idea of blowing into something which someone else has been blowing into. I would want to know that the whole thing was sterilised. I would want to be sure that it was taken out of a sterile container and presented in that way.

The Hon. G. C. MacKinnon: If one was drunk enough to need to use the machine, his breath would kill the germs.

The Hon. J. G. HISLOP: There must be some sense about this measure. It is not a laughing matter. If the breathalyser is not sterilised it could contain germs which other people have exhaled into it.

The Hon. J. Dolan: One's breath would kill the germs.

The Hon. J. G. HISLOP: Not necessarily. I also feel that there are many individuals who can hold a considerable quantity of alcohol because they have been used to it. I think everybody in this place recognises some elderly men who have spent most of their lives consuming alcohol. Some can consume a bottle of whisky a day and still walk a straight line. What is their true position?

This is not as simple as it sounds on paper: neither the question of the breathalyser, nor the question of the diagnosis of alcoholism. I think a good deal more has to be thought of in this matter than simply experimenting in this way with penalties around £150. It seems to be callous in its attempt. I know we are desperate to control alcoholism on the road, but let us maintain some sort of stability in the process.

I have received a letter from a very reputable lawyer in this State, and part of it reads as follows:—

- (1) Purpose of tests: To obtain evidence whether the driver is under the influence. This cuts both ways: it is in the public interest as well as in his own—if he is innocent.
- (2) It is out of the question to allow the police or anyone else to use force on an unwilling driver to undergo the tests.
- (3) It must be left to him to decide.

(4) To fine him if he refuses is no remedy: Even a high fine may be money well spent if it saves a culprit from gaol and loss of insurance cover.

(5) Logical way out: Reverse the onus of proof by legislating a *prima facie* case as established against the driver who refuses the tests. Let him prove by any other means at his disposal that he was not drunk.

(6) This is no hardship to him: If he was sober at the time, he should have availed himself of the tests to prove it.

(7) Neither is this contrary to British justice: There are many examples of the reversal of proof against an accused; e.g., taxation prosecutions where the accused must prove innocence, and not the Commissioner to show him guilty.

So we can see that even people in the legal profession have the same thoughts as myself about this Bill. They are not very happy at all. One realises, of course, that we must stop this carnage on the road. Of course we must! This can probably only happen in 50 per cent. of the cases where damage is done.

The next matter which I do not like is having to allow a person to shove a needle into my veins. Some people can do it and some cannot. I would say that it is not every medical man who can quite skilfully and simply put a needle into a vein. It is not easy to get blood out of a vein sometimes. It could mean four or five attempts with a needle to try to find where the vein is. They do not all show up.

The Hon. F. R. H. Lavery: How well I know that!

The Hon. J. G. HISLOP: Is an accused man going to submit to somebody sticking a needle into him four or five times in an attempt to draw blood? This Bill requires an awful lot of thought before being passed. Do not think I am on the side of the person who gets drunk and causes carnage on the road; but I do not like legislation of this sort made almost in panic fashion simply to say that we are making an attempt to stop this loss of life on the road.

I cannot go along with this Bill because so many things should really be left to a scientific body to work on today. For instance, I would refuse to take a test if a policeman just came along with a breathalyser and said, "Put this in your mouth". Quite frankly, I would refuse.

A member: The sample could be given through the nose.

The Hon. J. G. HISLOP: Or through the nose: it does not make any difference. I would be in sympathy with the formation of a committee of medical men—scientists and men from the legal profession—prior to the drawing up of a Bill which we would

think would produce results. The first thing is to lower the alcoholic content, which is higher than in the other States, to see if we cannot produce in this State a beer which can be drunk with a low percentage of alcohol. It is quite a fact that want of knowledge is the problem.

In America there is a considerable amount of low alcohol beer and it can be drunk without having any bad effects. We need something of that nature in this community. For the life of me I cannot see why the public should be told that they can only be supplied with beer with one standard of alcoholic content, because there is a definite need for a beer with a low alcoholic content. These are the problems that have to be solved first.

I have always been opposed to compulsion in various forms, particularly when medical considerations are involved. I did not like the law which provided for a compulsory test for tuberculosis. It was not until the public broke down this compulsion and made it clear that they would not agree to the treatment provided that we began to see results. I do not want to be personal about this and I am not blaming anyone in particular, but I believe the duty of the Government is to ascertain how to produce a beer with a low alcoholic content.

If the Government did that it would be taking a wise step. After an investigation had been made by medical men and by the inspectors of various departments that would be in charge of handling the results of blood tests and examinations made by breathalysers, I am quite certain that the Government, without any trouble whatsoever, could make a survey of this problem and have the results recorded.

I am afraid it would be wrong to vote for a Bill of this kind without being fully acquainted with all the circumstances. I would, however, vote for a Bill after some investigation had taken place. On the other hand, I cannot agree to vote for a Bill that provides for a man to be examined by a breathalyser following which he can be convicted of an offence of drunken driving. A great deal of thought is needed before this Bill is passed. I would not like to think that I was one that was responsible for putting this measure on the Statute book.

THE HON. C. E. GRIFFITHS (South-East Metropolitan) [9.18 p.m.]: It was not my original intention to speak on the Bill, but after listening to the contributions made by several members I am prompted to say at least a few words. Mr. Wise has afforded me great relief, because I am convinced after listening to him and discovering that the consumption of four bottles of beer is required before the breathalyser will show I am guilty of drunken driving, that I need have no fear

of ever being so convicted. I am quite certain that long before I consumed four bottles of beer I would be incapable of walking to my motorcar for the purpose of driving it. So there is no fear in my mind about the penalty proposed in the Bill for drunken driving.

Frankly, I was most surprised to hear the opposition with which this measure has been met. Various reasons have been advanced to show why the Bill should not have been introduced and that some other measures should in fact be employed. Despite the fact that we have had nationwide appeals to the community over many years to cease the practice of excessive drinking and driving whilst drunk, there still are large numbers of offences of drunken driving being recorded, and therefore such appeals are of no avail. The carnage on our roads is increasing instead of decreasing.

The Hon. R. Thompson: Have you any knowledge of how many drivers involved in accidents have been convicted of manslaughter?

The Hon. C. E. GRIFFITHS: There are many drivers being convicted of manslaughter in our courts every week, and there are far too many drunken driving charges being laid.

The Hon. R. F. Hutchison: It is the way the penalties are imposed that worries me.

The Hon. C. E. GRIFFITHS: I sincerely believe in the cause that Mrs. Hutchison espouses, but to say that a penalty is harsh on a drunken driver in view of the fact that his family will suffer, and that we should not inflict such a penalty, is entirely wrong. On the other hand, I believe the party who becomes intoxicated should think of his family before he over-indulges in the consumption of alcohol.

The Hon. E. C. House: He may not have much of an idea as to how much he can drink.

The Hon. C. E. GRIFFITHS: I have far too much faith in our Minister to disregard the assurance he has given to Parliament that the results produced by the breathalyser are beyond doubt. I have far too much faith in him to think he would bring forward a Bill which would provide that people should be subjected to a breathalyser test if there were the slightest doubt in his mind as to its accuracy. I give the Minister more credit than to suggest he would do this without being able to give that assurance.

I intend to support the Bill and I believe that until a better solution is available to reduce the number of accidents caused by drunken driving on our roads, the fear of this extremely heavy penalty which will be imposed on a person convicted will be sufficient deterrent to have at least a marked effect on the number of drunken drivers who appear before our courts today.

THE HON. R. THOMPSON (South Metropolitan) [9.22 p.m.]: I have mixed feelings about this Bill. Probably, if it could be proved to me that the breathalyser is 100 per cent. accurate—

The Hon. F. R. H. Lavery: Which some judges in England do not believe.

The Hon. R. THOMPSON: —I would support it. Under this Bill, we are called upon to make a decision which could affect every person in Western Australia. I have not seen a breathalyser, nor have I seen one work. However, I would very much like to see one in operation. It is not fair that any member of this Chamber should be asked to cast a vote on a subject when he does not have full information about it. Mr. Clive Griffiths referred to the terrible carnage on our roads. If he cares to look at page 306 of No. 4 of this year's *Parliamentary Debates* he will see the question I asked on the 17th August, 1965, of the Minister for Justice in regard to how many persons have been convicted of manslaughter during the past five years. The Minister replied that it was impossible to state that the convicted persons were drunken drivers.

The Hon. A. F. Griffith: Of course it is.

The Hon. R. THOMPSON: The Minister went on to state that in 17 of the 40 cases evidence was given to indicate that the driver was under the influence of liquor to the extent that his recklessness may have been in part attributed to excessive drinking, and the minimum sentence imposed was a bond of £50 to come up for sentence within two years if called upon. The following morning I received a letter which was addressed to me and the writer stated as follows:—

Dear Mr. Thompson,

I read in this morning's West Australian of your questions to the Minister for Justice regarding manslaughter convictions in respect of road accidents.

Some time ago my daughter was killed by a teenage driver, who if not guilty of manslaughter, was definitely guilty of negligent driving causing death.

This youth finally finished up in the Traffic Court, and was fined the utterly ridiculous sum of £6 for negligent driving, and had his license suspended for one month.

If your questions were directed on account of the utter complacency which seems to be displayed by the Police and Magistrates towards the road toll, I have a heap of correspondence at my office at the above address regarding this accident, which I would be pleased to place at your disposal.

Any member of this Chamber can peruse this letter and make further inquiries if he so desires. I intend to make further inquiries because I asked that question of the Minister for a purpose.

The Hon. A. F. Griffith: Do you think the police display utter complacency?

The Hon. R. THOMPSON: I merely quoted the letter; I did not make any comment.

The Hon. A. F. Griffith: I asked you what you thought about it.

The Hon. R. THOMPSON: The Minister is not going to put words into my mouth.

The Hon. A. F. Griffith: They would be sensible words if I did.

The Hon. R. THOMPSON: I said I would be making further inquiries and I am not accusing anybody. I am merely stating that if there is any truth in what this correspondent has said, a fine of £6 imposed on a person for negligent driving and causing the death of another person seems to be entirely ridiculous. Also, the Minister's reply stating that the minimum sentence imposed over the past five years on persons convicted of manslaughter was a £50 bond to come up for sentence in two years if called upon seems to be out of the question. In view of this I do not think we should agree to a measure which seeks to provide that a person shall be compelled to submit himself to a test by a machine which has been completely untested and of which we know nothing. Even Dr. Hislop agrees with this and he has confirmed that the machine does not have the backing of the medical and legal profession.

If a person is to be compelled to submit himself to a test by that machine and on the results of it be convicted for drunken driving; or, alternatively, be jabbed five or six times with a needle for the purpose of having a blood test made, it is asking a bit too much when such a person could be fined a minimum of £50 or a maximum of £150 and also lose his license.

I do not often agree with Dr. Hislop, but on this question I entirely agree with him, and I submit that more thought must be given to this matter before the Bill is passed. If any member of this Chamber can rise in his place and tell me he is convinced that the legislation on which he is about to vote is sound, I would say that the Minister for Health should submit him to the Claremont Mental Hospital for an examination.

The PRESIDENT (The Hon. L. C. Diver): Order! The honourable member cannot reflect on another member of the House.

The Hon. R. THOMPSON: I did not name any particular member, Mr. President. I merely said that if any member can prove to me he is convinced that this legislation is sound he should submit himself to an examination. I have listened carefully to the debates on this Bill in this Chamber and in another place and I have read reports from various parts of the world, and if I could be convinced that this

breathalyser would be of benefit and would help to decrease the accident rate on our roads, I would be the first to support the legislation, but until such time as this is done, I cannot support the Bill.

THE HON. F. R. H. LAVERY (South Metropolitan) [9.30 p.m.]: Being a first-class wowser and a non-drinker, and being a person who sometimes loses his temper, I do not want to be laughed at because of what I have to say. I do not want to be criticised by anyone for what I have to say, because it is the right of each one of us to be able to put forward his views without being laughed at. What I have to say does not refer to any member in this Chamber.

In regard to this Bill we are asked to vote in favour of the use of a new type of instrument for the detection of alcohol in the bloodstream of a person in order to determine whether he should or should not be charged with drunken driving. It is believed that if the Bill is passed the road accident rate will be reduced, and thereby lives will be saved. No-one can deny that is the objective of the Bill, and everyone supports that objective.

Mr. Ron Thompson did not see the instrument when it was demonstrated in the precincts of Parliament. Several members of the Legislative Assembly were tested on it, but I cannot understand why it was not brought to this House to be tested. This is merely a new detection instrument. Already we have passed legislation for voluntary blood tests to be taken.

One of the provisions on page 3 of the Bill is as follows:—

Where a member of the Police Force has reasonable grounds for believing that a person has committed an offence against section thirty-two of this Act, by reason of his being under the influence of alcohol, the member of the Police Force may, subject to subsections (3) and (4) of this section, require that person to submit himself for an analysis of his breath for alcohol.

Even some of the lawyers cannot give an answer as to the use of the word "may". The provision states further—

A person shall not be required, under subsection (1) or (2) of this section, to submit himself for analysis of his breath, if—

breath analysing equipment, in proper working order, and an authorised person are not available within a distance of twenty-five miles, by the nearest route, from the place where the person then is;

The Minister who is in charge of the Bill in this Chamber would attack the provision with vigour if he were on this side of the House. Here a suspected drunken driver is asked to make himself available to

be tested, but he is not required to undertake the test unless the instrument is in proper working order, and an authorised person and the instrument are available within 25 miles. I wonder whether one of these instruments will be placed in each police station, and will be within 25 miles of every hotel in the country? Is this to be another metropolitan scheme? There seems to be a doubt in the minds of those who drafted this legislation about the instrument being in working order.

I wonder what has happened to the radar tests which were conducted to apprehend speedsters? For a time there was an onslaught, but we have not heard much more about them.

The Hon. L. A. Logan: Just break the speed limit along Wanneroo Road and see what happens.

The Hon. F. R. H. LAVERY: That answers my question. Is this breathalyser test to be used in one part of the State only? If the Bill is passed it will apply throughout the State, yet a person does not have to submit himself to the test if the analysing equipment is not within 25 miles, or if the test cannot be taken within four hours of the time he was supposed to be inebriated. A person would have a pretty slow vehicle if he could not travel 25 miles in four hours. This legislation contains many anomalies. I am in agreement with Dr. Hislop's view that this is panic legislation.

With due respect to all members, we are merely laymen. We have only one medical practitioner in this House, and in my opinion he is the only one qualified to speak on the subject of bloodtesting and what goes with it. Yet as laymen we are asked to support legislation such as this.

Let me refer to a personal experience. In the middle of this year I became ill in Adelaide, and for 10 days I was in hospital. Each day two blood tests were taken from me—one in the morning and one in the afternoon. A qualified doctor made the attempt to take blood from me twice each day, and on some occasions he made five attempts to find the spot in my arm. I was in the ward of the Royal Adelaide Hospital where this type of test is undertaken.

Under the Bill we are asking that a doctor be called out in the middle of the night to test a suspected drunken person, because it is mostly in the nighttime that drunken drivers are apprehended. As a layman I have no right to impose an obligation on a person to submit himself to a medical examination. No one loathes liquor more than I do; I absolutely hate it, although I do spend some money on it on account of my social position. I am never seen in a hotel, so I am not qualified to speak about the man who does consume liquor.

I have a brother-in-law who could consume many glasses of beer a day and one would not think he was affected by liquor;

yet his brother would be under the influence after three or four glasses of beer. Here are two brothers—one who can consume a great amount of liquor, while the other cannot. How then can we as laymen say the step proposed in the Bill is the right one to take?

This is my fourteenth year in this Parliament, and every time a Bill dealing with liquor is introduced it occupies several hours of debate. It always hinges on three major aspects: (1) how a person shall consume liquor, and what hours the hotels shall remain open, so that the brewery will know the amount of beer that is required; (2) prohibit certain people who are not able to control themselves from consuming liquor; and (3) the prevention of accidents. All these three objectives are laudable.

When I spoke to one Bill I referred to the sailors from visiting British vessels. On many occasions the Mayor of Fremantle gives civic receptions, and the young officers of the vessels are entertained by the local people. It seems that these British officers are easily affected by the local beer, because it is so high in alcoholic content. The time has arrived for us to take steps to reduce the road accidents, and a start should be made by reducing the alcoholic content of beer.

I have often wondered whether it would not be a good idea to introduce hop beer again. This beverage was very popular with the young people on the goldfields in the old days. This beverage can be drunk without any increase in the accident rate.

The Hon. R. Thompson: It can have a sting.

The Hon. F. R. H. LAVERY: It can, but the people who put a sting into hop beer will be fined heavily. I am not prepared to impose further on the liberty of the individual. If the individual cannot protect himself then we should institute a type of medical research into the problem. I feel sure that Dr. Saint, who addressed us privately a few years ago on this subject, would not agree with the Bill before us; but he would agree to the Government spending money in establishing hospitals to treat people who drink beyond their capacity.

I conclude by quoting what Paul Ritter has said: Now that the situation throughout the world is motor versus man, all legislation seems to be tied up with motors. We are either imposing further restrictions on the motorists, or increasing the costs of running a motor vehicle. In my view none of the legislation, including the Bill before us, does anything to reduce the accident rate.

Recently legislation has been introduced to deal with various subjects, one being the Bill introduced last night dealing with capital punishment. Three years ago a sentence of birching was imposed on a

young man as a warning to the other young men in the State that if they committed sexual offences they would receive the same treatment. Since that time how many similar cases have occurred? We had a case only a little over three weeks ago.

The PRESIDENT (The Hon. L. C. Diver): I draw the attention of the honourable member to the fact that he is not addressing himself to the Bill.

The Hon. F. R. H. LAVERY: If I was not addressing myself to the Bill when that particular incident was brought about because of drink, I would not know what I was talking about in this Chamber, and I say that without meaning to be disrespectful to you, Sir.

I feel all these offences have been committed as a result of drink. I agree with Dr. Hislop that this legislation is not going to help. A research committee should be established composed of members of the medical fraternity who are educated and qualified to undertake this type of research. That is the type of legislation which should be introduced and which would not only assist the Government itself, as a Government, but would assist the parents at home and the wives and mothers who are waiting for their husbands not knowing whether they will get home because they may have consumed too much liquor.

The Minister might say that I am building up a case for the Bill. There must be some way the medical profession can convince members that this is not the type of legislation that will prevent drunken driving. I am as sure as I am standing here that this time next year the statistics of accidents and deaths caused by drunken driving will not show a decrease, but a definite increase. This will be for two reasons: The first, because the content of liquor is so strong; and the second, because of the increased number of vehicles on the road. I have no intention of supporting this measure.

THE HON. E. C. HOUSE (South) [9.47 p.m.]: I was very much in favour of this Bill until I heard some of the debate on it and especially the speech of Mr. Clive Griffiths who said that the Minister would be quite certain the machine was accurate. I was in favour of it mainly because I thought how wonderful it would be for a person to be able to enter a hotel or sit in his home and drink so many whiskies or bottles of beer and then walk outside, get into a car, and kill someone, and then wave a little piece of paper and say, "I was not drunk!"

Regardless of the amount of alcohol a person has drunk, according to this machine, he can say he is not drunk. I cannot believe this. Whether a person has had an amount of alcohol on an empty

stomach, or after a long illness, or whether he is taking his first drink at the age of 21—

The Hon. G. E. D. Brand: What?

The Hon. E. C. HOUSE: That is the law. I do not doubt that everyone obeys the law. I cannot see that it is practicable, and it will create a lot of anomalies especially in the country where usually everyone knows whether or not a person drinks.

We also know that traffic inspectors and policemen can be vindictive and are sometimes out to catch a certain person. This fact was mentioned today during the discussion on another Bill. This has happened; and, with the breathalyser, this type of person has a sure way of catching his victim if he so desires, regardless of whether or not that person has committed an offence.

I believe Dr. Hislop has a point when he advocates the lowering of the alcoholic content of beer. I think he mentioned that at no time has he been given any reason at all why this should not be done.

The Hon. J. G. Hislop: I have been given reasons, but not sound ones.

The Hon. E. C. HOUSE: I mention this because, after all, we do not allow teenagers to drink until they are 21, at which age they are suddenly permitted to consume any amount of alcohol they wish. They have no knowledge as to how much they can consume before becoming affected. I do not think it is fair to allow them to go into hotels which sell this strong alcohol instead of providing them with an alternative drink. There is practically nothing but beer and other alcoholic beverages obtainable.

The Hon. A. F. Griffith: Are you serious?

The Hon. E. C. HOUSE: I am serious. I am speaking of country hotels; and there is no ice provided either.

The Hon. A. F. Griffith: Goodness, gracious me!

The Hon. E. C. HOUSE: A person is lucky if he can get served other drinks.

The Hon. A. F. Griffith: You mean to tell me there is no alternative to alcoholic liquors?

The Hon. E. C. HOUSE: There are, but it is not encouraged.

The Hon. A. F. Griffith: That is different.

The Hon. E. C. HOUSE: This is the point: These chaps go to, say, a football match or play in the local team. Then they go to a hotel and naturally they like to have a few drinks with their friends. I maintain that a lot of the drinking indulged in, especially by teenagers, about whom we are so worried, is social drinking. This also applies to a number of the parties we

have heard about in the metropolitan area and the country areas. If the beer contained slightly less alcohol, I do not agree that the drinkers would drink just that much more. I am quite certain that this would be a great help and they would enjoy the next morning far more, too.

I do not like the fines. I think they are inclined to be just a little above what could be considered a deterrent. Whether the fine is £100 or £250 makes very little difference on this score because, after all, a person does not go out to get caught. People will still drink and even if the fine were £500, the unlucky chap would get caught.

The Hon. R. F. Hutchison: And the families suffer.

The Hon. E. C. HOUSE: The families do suffer, but that is not our concern at this point because, after all, a person who commits murder does not, I suppose, want to commit it, but he is hanged and his family suffers just the same. These penalties are completely beyond any reason.

I will support the Bill because I think some deterrent has to be provided. I would not be very happy if I thought a daughter of mine would go out with a chap who would get drunk and then kill someone. I believe we should be given an assurance, however, that an investigation will be made into the possibility of lowering the alcoholic content of liquor.

THE HON. G. E. D. BRAND (Lower North) [9.54 p.m.]: I must add my modicum to this debate. I was interested in what Mr. Wise had to say. He is, of course, a full bottle on it. Alcohol and driving have always been a particular study of mine, strangely enough. I have often said I would like the quantity of alcohol lowered in spirituous liquors. I have mentioned it once before in this House.

Drink and driving can be good or bad; and I can speak from all angles on this matter because I have been once under the influence of alcohol. It was a long time ago, but that was the time I decided never to get in the same condition again. I went to sit on a heap of sand and missed it.

I know we are all worried about the road toll. It is very unfortunate that people will drive while they are drunk; and, while they are drunk, it is perhaps not their fault if an accident occurs. I do not believe people go out to get drunk. They stand around and drink as many do after a football match. They have a few drinks and before they know it a lot of time has elapsed and a lot of water has gone under the bridge.

People differ. I have a theory which might be a silly one, but I believe a man should take a quantity of alcohol to a police station and then be tested at certain stages while he consumes that

liquor. In that way he would be able to ascertain how much he can drink before he becomes affected. It would be a rather unwieldy sort of system, but there could be some merit in it. Mr. Clive Griffiths mentioned that the breathalyser will be here at tea time tomorrow, so members had better be careful how much they drink.

The Hon. A. F. Griffith: He must have been talking to the Minister for Police.

The Hon. G. E. D. BRAND: The breathalyser will be here tomorrow night if members want to be tested to see how it works.

While I was in hospital in the islands during the war, patients were given a bottle of beer a day to help build them up. That is an interesting fact. It was given to the chaps who had been battle-scarred and injured and were in hospital as a result.

The Hon. A. F. Griffith: Not an unpleasant medicine!

The Hon. G. E. D. BRAND: It was very nice. I have not seen this instrument, but will be very interested to do so to find out how it works. If we are desirous of purchasing a piece of equipment, we usually obtain a pamphlet on it first and have a look through it. Therefore it will be quite interesting and a revelation to find out how this breathalyser works and to ascertain whether it can be truthful.

Mention has been made of the drivers under the influence of liquor who scream around the place. The worst ones in my opinion are those who are not under the influence. There are those who antagonise other drivers and show off and break every law there is. I saw an exhibition of that on the way from Northam on Sunday. All sorts of dangerous hazards were created and one character with a boat on a trailer passed me and chased me into the bush. He was not drunk, but he behaved as if he were.

I had an idea which I submitted to a business firm to be used in advertising. I suggested that a sign should be put in every hotel indicating the alcoholic content of one schooner, two schooners, and so on, so many whiskies, glasses of wine, and so on. The business firm which I approached told me to see the A.H.A., which I did. I approached one of the leaders of that body in a conversational manner and I thought he would throw the idea out. However he was in favour of it.

I do not think hotels would lose any trade if such a sign, which could be read easily, were exhibited on the premises. Such a scheme would perhaps send some chaps home before they were too much under the weather and would thereby save sadness brought about by injury and personal discomfort.

Until I know of something better which will guard people against themselves, or until we have produced for us a better type of testing equipment, I support the proposals set out in the Bill.

THE HON. V. J. FERRY (South-West) [10 p.m.]: I wish to say only a few words on the debate but I intend to support the measure because it is an attempt to remedy an ill which is apparent throughout the community. Whatever shortcomings the legislation may have—and let us face it, there are many enactments which have shortcomings in some direction—it is a genuine attempt to tackle a problem which is of vital concern to every responsible citizen.

The Hon. F. R. H. Lavery: I do not think anyone would deny that.

The Hon. V. J. FERRY: Many suggestions have been made as to how we can overcome the problem of drunken driving. One sure way would be to ban all vehicles, but I think that would be a most unpopular move.

The Hon. A. F. Griffith: Ban all liquor.

The Hon. F. D. Wilmott: That would be more unpopular.

The Hon. V. J. FERRY: The remedy proposed in the Bill has been tried in other places with a great deal of success and satisfaction, and I suggest we give it at least a trial period. If, for any reason, it is found in practice that it falls short to any large degree there is nothing to stop Parliament from passing amending legislation to improve the position, as is done with a number of measures. However, I think this should be given a fair trial because it is a genuine attempt to tackle a very real problem.

As regards the penalties that have been mentioned, and which are contained in the Bill, I feel they are real enough in all the circumstances because I am convinced in my own mind that drunken driving does contribute to a degree to the number of fatal accidents. If it is a contributing factor we must attempt to deter this type of person. He or she may not be an alcoholic; it may be a case of once in a lifetime a person finding that through some circumstances he or she is in the position of having too much alcohol in the system. It may not be a case requiring psychiatric treatment; it may be just an isolated occasion. Therefore, for the reasons I have outlined, I support the measure.

THE HON. H. C. STRICKLAND (North) [10.3 p.m.]: The question of when a person is under the influence of liquor is one that still has to be resolved. It is one which has not been resolved anywhere in the world but, as I see it, with this measure the Government is attempting to establish a standard under which everybody whose blood has a certain percentage of alcohol in

it is considered to be under the influence of liquor, irrespective of whether or not they are so affected.

I object to the compulsory provisions in the Bill, and to the breathalyser, as it is termed—which some members say is infallible—because I consider that some people can consume the amount of liquor which, according to the breathalyser renders them under the influence of liquor, and still remain sober and perfectly free from the influence of alcohol. Such a person can be in full control of his faculties and be responsible for all his actions.

The Hon. C. E. Griffiths: I would not go along with that.

The Hon. H. C. STRICKLAND: We have heard one speaker tonight tell us of cases where people have been subjected to intimidation or victimisation. That would be quite easy with some people whom I know—if they fell foul of the law, and a policeman happened to be about at the time and he knew they had consumed sufficient alcohol for the breathalyser test to indicate they were under the influence. Yet those people could be perfectly sober.

I interjected when Mr. Wise was speaking and said that climatic conditions had something to do with the effects of alcohol. I have no doubt about that. I am certain that people living in the tropics can consume much more beer than those living in the cooler parts of the State. That can be witnessed at any time if anyone likes to go to the tropics. A man up there can consume 100 oz. of beer, or whatever is the amount set out, and if the breathalyser is infallible it will register that person as being under the influence. Yet in the tropics that quantity of beer will have no influence at all on some people.

For those reasons I could not support the idea of breathalyser tests, particularly if they are to be made compulsory. The other alternative, of course, is the blood test which Dr. Hislop has already told us is not infallible. In fact it takes an expert to make these tests and even then they may not be successful. So I get back to where I started: When is a person under the influence of liquor? It is a question which still has to be resolved and I do not think this legislation satisfactorily resolves it.

It is amazing to listen to the supporters of this legislation. One could be led into believing that alcohol is responsible for all our accidents on the road. The only statistics that I have available to me are contained in the latest report I have of the Commissioner for Police, which is for the year ended the 30th June, 1964. I understand a later report is in the House somewhere but I have not seen it as yet. The 1964 report, at page 9, reads as follows:—

The most prevalent offences coming before the courts, were:—

Speeding—4,809

Failing to stop at a "Stop" sign—1,440.

Failing to give way to the right—1,120.

Failing to obey illuminated signals—1,117.

Reckless and dangerous driving—947.

No motor driver's licence—922.

Unlicensed motor vehicle—751.

Drunken driving—706.

Unlawfully assuming control—677.

Out of a total of 12,489 offences coming before the courts, 709 were due to drunken driving. That represented a little less than 5.7 per cent.

The Hon. V. J. Ferry: Is that good?

The Hon. C. E. Griffiths: What about those that were not charged?

The Hon. H. C. STRICKLAND: It is all very well for Mr. Griffiths to want to know about the theoretical cases. He is always flying around in the air somewhere. Let us keep our feet on the ground and deal with the facts that are before us. I do not know whether Mr. Clive Griffiths is the Minister's son or his brother, or what relationship there is between the two, but Mr. Clive Griffiths has a lot to learn. He is new to this House and for him to say that because the Minister has introduced the Bill it must be right is ridiculous. Heaven's above!

The Hon. A. F. Griffith: I think you have a lot to learn about parental relationship too.

The Hon. H. C. STRICKLAND: This Bill was probably introduced because the department told the Government to do so. That is the usual thing. Do not let the honourable member run away with that idea.

Several members interjected.

The DEPUTY PRESIDENT (The Hon. N. E. Baxter): Order.

The Hon. H. C. STRICKLAND: You were not here then my boy so you would not know!

The Hon. A. F. Griffith: Don't change your ground. Now you are claiming he is your boy.

The Hon. H. C. STRICKLAND: The trouble is I cannot help it if members interrupt me. To get on with my remarks, I have already given figures which indicate that of the cases that came before the courts 5.7 per cent. were for drunken driving. During the year courts throughout the State suspended 4,286 driving licenses, this figure being 340 fewer than in the previous year. The main offences were: Speeding, 1,137; driving under the influence of liquor, 706; unauthorised use of motor vehicles, 677; and dangerous driving, 577. With suspended licenses throughout the State 16 per cent. were for those charged with driving under the influence of liquor. That information is on page 10 of the commissioner's report for 1964.

On page 11 we find that the commissioner, after summing up the accidents—he does not segregate the fatalities due to liquor—gives some of the common causes of accidents and they were as follows:—

Failing to give way at junction or intersection	2,458
Following too closely	1,408
Improper or careless turning	1,102
Overtaking improperly	748
Excessive speed	336
Intoxication	126
Vehicle defects	272

Out of a total of 6,450 accidents, 126 were caused by liquor. This represents less than two per cent.

The Hon. V. J. Ferry: Too much.

The Hon. H. C. STRICKLAND: The honourable member by interjection says, "Too much". That is quite right, but he wants to penalise 98 per cent. of the people for the faults of the other two per cent. One has to be a bit reasonable, and there is not sufficient evidence in last year's report to substantiate the argument that liquor is responsible for all the traffic confusion.

I understand the Minister has the latest report. Whether the figures in it are better or worse I do not know, but the Minister will no doubt tell us about them, and we will be able to check the position, because the report will be tabled.

This brings me back to what I have to say in regard to the breathalyser and my objections to it. I do not think the breathalyser would resolve the question of whether a person is under the influence of alcohol. I have had a good deal of experience around the north-west, and as the licensee of a hotel in the liquor trade for many years, and I can think of numbers of people who could drink much above the margin set in this legislation and still have full control of their faculties and their senses. On the other hand, I know of others who with a modest amount of alcohol would be absolutely uncontrollable. So alcohol affects one person differently from another. It also affects people differently in various climates. For those reasons I think a set standard by a mechanical contraption such as a breathalyser is not the correct answer.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [10.17 p.m.]: This has been a very interesting debate. Debates on Bills involving liquor and traffic usually are. In my experience they always seem to engender a fair amount of debate, and this is the sort of thing we expect on a bill of this nature, where members get up and express their points of view. I often wish, however, there was a little more of this sort of thing in respect of some other legislation which we introduce to the House from time to time.

It seems to me that there is an impression abroad that the problem of alcohol is one of recent origin. The problem of alcohol is, of course, as old as the ages.

The Hon. F. J. S. Wise: Who said that?

The Hon. A. F. GRIFFITH: I did not say anybody said it, but the feeling seems to be abroad that it is a problem of recent origin, whereas it is as old as the ages; and the various crimes associated with alcohol are also as old as the alcoholic beverage itself. I have here the report of the Commissioner of Police for the year 1965 which I think has been laid on the Table of the House; though I will check that to make sure. In this report the commissioner says—

The road toll might be lessened if motor vehicle designers and manufacturers were to place a little less emphasis on motor power and speed capabilities and more on safety features. Admittedly the human factor is predominant in most accidents, but I am convinced that the high pressure emphasis on speed and power does influence the potential purchaser. If safety features could be made the dominant note, public opinion would respond.

A matter of vital concern to the Police Force in a democratic country in its endeavours to bring criminals to justice, is the steady erosion of police powers. There is a body of opinion, not numerically strong but certainly influential, which seems to place the "rights" of the suspected criminal above the rights of society, against whom he is suspected of having offended. Surely the society which guarantees the rights of the individual is entitled to protection.

In a manner of speaking, the presentation of this Bill to Parliament to a large extent could be interpreted in that way. I would quote the words used by Mr. Dolan when he supported a Bill that I introduced a week or two ago in regard to increased penalties for drunken drivers. To the best of my knowledge, Mr. Dolan said anything that is presented here that will have the effect of reducing the toll on the road will be supported by him. I appreciate the honourable member's point of view.

There has been a good deal of criticism of the particular instrument which is provided for in the Bill. It is said that it may be mechanically imperfect. All sorts of things have been said in relation to its possible imperfection. I will not say there have not been any worth-while suggestions in the matter, because I appreciate those made by Mr. Wise and Dr. Hislop; but in relation to that aspect I venture to suggest that of the 35,000 people who were licensed drivers, 30,000 would agree to a blood test for alcohol if they were asked to have one carried out

now; and that their opinion might well change if they became the subject of being under the influence of alcohol, or that there was a risk of their blood being blood tested because of their being under the influence.

There is nothing to stop these people from having the moral conviction that this is the sort of thing they should practise. Associated with this, might I say that I am not convinced in the slightest that the strength of alcohol has anything to do with the case. Dr. Hislop has a contrary point of view, and I am sure he will permit me to have mine. Where the alcoholic content is lower than it is in Western Australia they are still pursuing the same course, and this has convinced me that the strength of alcohol is not the answer to the problem. It is like the man who goes to the racecourse to watch the horses running, and who cannot be forced to bet.

The matter could also be likened to the man who goes into a hotel, and who cannot be forced to drink. I think it would be expecting too much if a barman were to say to a young man who had just turned 21, "I do not think you should touch that bottle; here is one with less alcohol in it." The young man might well tell the barman in which direction he should go. He goes there for the purpose of getting a drink.

The Hon. E. C. House: Not necessarily; I said social drinking.

The Hon. A. F. GRIFFITH: Most drinking is social drinking, and most drinking has its attendant evils. For the information of Mr. Strickland, I jotted down the figures from the 1964 report from which he quoted, because this gives me an opportunity to compare the number of accidents. As far as I can remember from the figures I jotted down they would seem to have increased in all spheres. I think the number of accidents have increased because of the population increase. This is quite natural. The Commissioner of Police says—

During the year Traffic Courts suspended 4,140 motor drivers' licences. Of these, 616 were held by drivers on probation. The main offences were—speeding 1,220; driving under the influence of liquor 697; unauthorised use of motor vehicles 627; and dangerous driving 499.

The Hon. H. C. Strickland: It is much the same.

The Hon. A. F. GRIFFITH: Yes, but there is a slight increase. The report continues and states that of the convictions for driving under the influence of liquor, 341 offences were committed in the metropolitan area, and 356 in the country districts. It adds that blood tests were given in 510 instances.

The Hon. F. R. H. Lavery: Only by agreement.

The Hon. A. F. GRIFFITH: That is so, because at the present time blood tests are only taken by agreement. This brings me to the point that the man who does not feel guilty has not very much to fear. My friend, Mr. Griffiths, has already conveyed this information to the House.

The Hon. F. J. S. Wise: He is the plural and you are the singular.

The Hon. A. F. GRIFFITH: Yes, but I am not singular in my approach to many things. Mr. Griffiths has already told us that the Minister for Police has indicated that there will be a breathalyser brought here tomorrow night.

The Hon. F. J. S. Wise: Could we have a competition of one to 10.

The Hon. A. F. GRIFFITH: The honourable member can please himself, though from what he has told us tonight he would not make a very good subject for the breathalyser, if he is looking for a conviction against himself. I think, however, we should keep personalities out of this.

The Hon. H. C. Strickland: Bring it down during the Christmas party.

The Hon. A. F. GRIFFITH: I am glad the honourable member expects it to be such a good party. The Minister for Police will endeavour to have an operator here tomorrow night who can show members how the instrument works. I would like to make it clear to members that this instrument is an experimental instrument; it is not the type that will be introduced. The Bill provides that the Act will come into operation on a date to be proclaimed, and it will not be proclaimed until it is felt by the Minister and his department that there are sufficient and reasonable arguments for the breathalyser to be put into operation.

The Hon. F. R. H. Lavery: Have you any idea of the cost?

The Hon. A. F. GRIFFITH: I cannot say with any degree of accuracy, but I think it is in the region of £200 to £250. The Minister for Police made a statement some time ago in respect of alcohol and its application to drunken driving. He made the statement to the Press and he gave the figures which I gave, most of which came out of the report of the Commissioner of Police.

He indicated to members at that time the Government was anxious to do something about this problem. The one thing I think upon which we are in agreement in the same way as we were when we asked Parliament to increase the penalties in respect of offences for drunken driving is that there is a problem; that there is a small section of the community—Mr. Strickland said five per cent.—involved in this problem, but no matter how small the

percentage is; in the words of the Commissioner of Police in his report, "The rest of society is entitled to protection from this type of individual."

The Hon. F. R. H. Lavery: Fair enough.

The Hon. A. F. GRIFFITH: I cannot find myself convinced—

The Hon. H. C. Strickland: Would you disagree with that?

The Hon. A. F. GRIFFITH: —with regard to the problems that this type of person leaves for his family. Whilst we must have regard for the welfare of the family, the man himself must have regard for the welfare of his family before he puts himself in a position where he is suspected of being a drunken driver. With respect, the Bill does not say that a man is drunk because he has this much alcohol in his blood.

The Hon. F. R. H. Lavery: It says he is liable to a penalty.

The Hon. A. F. GRIFFITH: The Bill says that if he is in three different circumstances with a certain amount of alcohol in his blood, he is under the influence of liquor to such an extent as to be incapable of having proper control of a motor vehicle, horse, etc.; and, at the risk of being contradicted by the learned doctor in the House, I am told that a man who consumes a certain amount of alcohol, while he may not be drunk, is certainly affected to some extent, measured in terms of percentage.

The Hon. E. C. House: Fair enough.

The Hon. A. F. GRIFFITH: It is a fallacious argument to say that if one lives in a hot climate and consumes two bottles of beer, one is not affected, but if one lives in a cold climate, one is affected.

The Hon. H. C. Strickland: You have not had experience.

The Hon. A. F. GRIFFITH: I have. The honourable member is not the only person to have lived in the north. I spent a long time there under difficult conditions. I believe in the medical opinion, that a man is affected by alcohol to some extent after he consumes it; and after being tested by the breathalyser, if it registers the percentages as laid down in this Bill, a person is deemed to be under the influence of liquor. If a person is under the influence of liquor to such an extent that a breathlyser test shows over .15 per cent. he is, in fact, incapable of properly controlling the vehicle of which he is in charge.

The Hon. E. C. House: That is a fair enough explanation, too.

The Hon. A. F. GRIFFITH: I think it is. I only want to say this: I do not think my colleague, the Minister for Police, has asserted that this machine is perfect. I do not know how any human being can say that. I may be saying the wrong thing in defence of my colleague by

making that statement, but the Minister for Police does say—and I repeat—that in many other countries of the world the breathalyser as a functional mechanical, operative unit is being used as the basis of measuring the alcoholic content in a person's blood; and evidence can be put before the court in relation to the percentages which it shows.

The Hon. F. R. H. Lavery: I have read that some leading judges in England will not agree with it.

The Hon. A. F. GRIFFITH: That may be so. The court may not accept the evidence, and the Bill provides for that; but I think it is fair that we give this an opportunity for trial. I repeat: We have a social problem—we have the man who, with disregard for his own safety, and certainly with disregard for the safety of the great percentage of the community, when under a certain amount of alcoholic influence, feels he is a much better driver than when he has not been drinking any alcohol at all.

The Hon. R. F. Hutchison: What about all of the other accidents? What do you do about them?

The Hon. A. F. GRIFFITH: What has that to do with this situation? The other accidents have their own related causes. In regard to the point raised by Mr. Ron Thompson in respect of fines, according to the facts upon which he questioned me and the fine imposed by the court, I do not think this has any relation to the problem we have before us at the moment. Nevertheless, there are many other forms of accidents.

It is felt by the Government and by the Police Department that one of the principal causes of tragedies on our roads is that some people consume too much alcohol and then try to drive. I said previously—and perhaps a little carelessly—that does not matter to me how much a man drinks so long as he is not in control of a motorcar. This is not unimportant; it is important.

The figures given by the Commissioner of Police in his report were in relation to the number of accidents as a result of people being under the influence of liquor. Blood tests have shown in 510 cases that was so.

The Hon. H. K. Watson: Have you a dissection of accidents as distinct from offences?

The Hon. A. F. GRIFFITH: I could not answer that straight off.

The Hon. F. J. S. Wise: It was not in the report the year before.

The Hon. A. F. GRIFFITH: I would commend the report of the Commissioner of Police to the honourable member; and if there is any information I could obtain for him that is not in the report, I invite him to ask me the necessary questions.

The Hon. F. J. S. Wise: I think the copy you have is the one from the Table.

The Hon. A. F. GRIFFITH: It may well be.

The Hon. F. J. S. Wise: I think Mr. Robinson may have the cover.

The Hon. A. F. GRIFFITH: Mr. Robinson handed me this and I read some of it while listening to the debate. I am advised that that is the cover and I will place the report in it and put it back on the Table.

I respect the various expressions here this evening by members and would ask them to have regard for the fact that the Government has not done this hastily, as was charged in one particular direction. It is an easy source of accusation if one does not like something to say, "You considered this hurriedly." I can assure members this matter has been carefully looked at by the department for a long time. The people concerned have made a study of the cause of accidents and all associated factors.

The Hon. F. R. H. Lavery: Would you say that they had medical assistance with it?

The Hon. A. F. GRIFFITH: I could not accurately answer that question.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. F. R. H. Lavery: I think they should have had.

The Hon. A. F. GRIFFITH: I cannot answer the honourable member's question, but I can tell him that alcohol tests are taken by the Government doctor (Dr. Pearson) who has had over 13 years' experience in carrying out tests for the presence of alcohol. In regard to 568 persons killed in road accidents, alcohol was found to be present in 252 cases; and in 204 cases the alcohol concentration was above .1 per cent., while in 95 cases it was above .2 per cent. These results support the theory that alcohol is an important factor in road accident causes.

The Hon. R. F. Hutchison: What about all of the others?

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. A. F. GRIFFITH: Do not keep on. If the honourable member must persist with this interjection I will say that the other accidents have occurred and I cannot alter that situation. Those accidents reported under other headings are not related to the measure on which I am speaking, which is in relation to the consumption of alcohol.

In conclusion I would thank members for their contributions to this debate. I repeat: I have great regard for the points of view that have been put forward by the various speakers who addressed themselves to the debate, but I do ask these

same people to have regard for the intentions of the Government and the sincere desire in the mind of the Government in regard to this measure. The passing of this legislation and the introduction of breathalyser tests will, it is hoped by the Government, prove satisfactory and be a reliable source of evidence.

Before sitting down might I say that if the Bill passes the second reading—and I hope it does—I do not propose to ask the House to proceed to the Committee stage tonight because there is an amendment I wish to place on the notice paper which corrects a drafting error which was inadvertently inserted in another place.

The Hon. F. J. S. Wise: I wish to put one on, too.

The Hon. A. F. GRIFFITH: This will apparently cause no inconvenience.

Question put and passed.

Bill read a second time.

House adjourned at 10.42 p.m.

Legislative Assembly

Wednesday, the 17th November, 1965

CONTENTS

	Page
ANNUAL ESTIMATES, 1965-66—	
Committee of Supply—	
Votes and Items Discussed	2520
Committee of Ways and Means	2562
BILLS—	
Architects Act Amendment Bill—Returned	2562
Artificial Breeding Board Bill—	
Intro. ; 1r.	2512
2r.	2568
Message : Appropriations	2568
Artificial Breeding of Stock Bill—	
Intro. ; 1r.	2507
2r.	2568
Child Welfare Act Amendment Bill—2r.	2511
Criminal Code Amendment Bill—2r.	2517
Guardianship of Infants Act Amendment Bill—2r.	2512
Land Tax Assessment Act Amendment Bill—	
Intro. ; 1r.	2507
2r.	2519
Licensing Act Amendment Bill (No. 2)—	
Receipt ; 1r.	2562
2r.	2562
Licensing Act Amendment Bill (No. 4)—	
Intro. ; 1r.	2519
Offenders Probation and Parole Act Amendment Bill—	
2r.	2513
Com.	2516
Report	2516
3r.	2516